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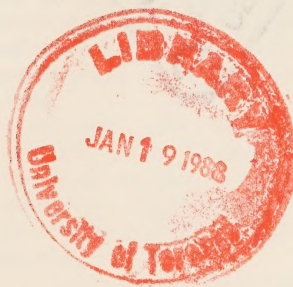
# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Labour

**First Session, 34th Parliament**  
Thursday, December 10, 1987



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, December 10, 1987

The committee met at 3:41 p.m. in room 228.

After other business:

1543

## ESTIMATES, MINISTRY OF LABOUR

**Madam Chairman:** The next item of business is the estimates of the Ministry of Labour. I would like to introduce, for those rare bodies who might not know him, the Honourable Greg Sorbara, the minister; the deputy minister, Glenn Thompson; and the senior policy adviser, Richard Clarke, all of whom are here with us. The minister has a statement.

**Mr. McLean:** On a point of order: will we get a copy of the statement?

**Hon. Mr. Sorbara:** I would expect so. I think it is available, and there is no reason why it ought not to be distributed now. That great-looking chap sitting at the back has copies and they will be distributed.

Let me begin by apologizing for my tardiness here. Apparently there were some members of the Queen's Park press gallery who had a few questions for me and I felt it my obligation to answer those questions, and there was a very minor personal matter that I had to take up before coming here.

I note that our colleague the member for Willowdale (Mr. Matrundola) is not here yet, but he asked me to pass along the fact that he will be a little late, but he will be here.

I am pleased to be here today—they write that into the speech, but I really am pleased to be here today—to introduce the 1987-88 estimates of the Ministry of Labour. I will try to keep my remarks short, so that the committee members will have as much time as possible for questions and comments.

As you know, I have previously had the honour of presenting estimates as Minister of Skills Development and Minister of Colleges and Universities. I do so now as the new Minister of Labour.

En qualité de ministre du Travail, je dois m'assurer que le lieu de travail est sécuritaire, efficace, harmonieux et équitable. Il s'agit là d'une priorité de ce gouvernement depuis qu'il fut élu pour la première fois en 1985.

As I said, my fundamental obligation as Minister of Labour is to help ensure a safe, effective, harmonious and equitable workplace. This has been a priority of the present government since it took office in 1985.

I would like to begin with a progress report on the five core areas of my mandate. They are occupational health and safety, workers' compensation policy, employment standards, labour-management relations and pay equity.

I will start with health and safety. As members of this committee will know, Bill 79, Ontario's right-to-know legislation, was passed this summer. It ensures that workers and people living in the surrounding community will have specific information about hazardous materials and physical agents in the workplace.

Among other things, Bill 79 requires maintenance of an inventory of hazardous chemical and biological materials, clear labelling of containers holding hazardous substances, maintenance of a safety data sheet for each hazardous material in the workplace and training for workers in the proper handling of such materials.

The legislation links Ontario to the new national workplace hazardous materials information system, or WHMIS, as it is called, which comes into force in October of next year. This system was developed after a five-year process of collaboration involving labour, management and the federal, provincial and territorial governments. Ontario played a pivotal role in helping to bring about the consensus that created WHMIS and the government is committed to sustaining that consensus.

WHMIS will cover some 100,000 products found in workplaces across Canada. Suppliers will have to create only one set of labels and material safety data sheets for each product, because the WHMIS labelling standard will be the national standard.

Ontario's right-to-know legislation goes beyond the WHMIS requirements for the keeping of records and the provision of information to workers, for it also requires that the surrounding communities be made aware of the existence of any hazardous material in the workplace.

So far as the Ministry of Labour is concerned, we have improved organizational structures and administrative procedures in occupational health

and safety and in the occupational health and safety division. Since 1985, we have approved the hiring of an additional 186 inspectors.

As well, this government has enhanced worker protection against illness and injury through the creation of regulation 654/86. For the first time in Ontario, we now have a regulation that sets out a legal listing of more than 600 biological or chemical agents for which exposure limits have been established.

The regulation requires employees to reduce exposures through the use of engineering controls such as ventilation. It places limits on the circumstances in which employers may forgo engineering controls and, as an alternative, provides protection for employees through personal protective equipment such as respirators. It reduces the time period required for calculating whether compliance with the chemical exposure limits has been achieved.

Previously, the act and regulations lacked the precision needed for compliance by businesses and for the government to prosecute if compliance was not forthcoming. However, the implementation of regulation 654, together with new policies on orders and prosecutions, has had a significant influence on enforcement activity.

The numbers speak for themselves. In 1984-1985, a total of 333 prosecutions were undertaken, whereas in 1985-1986 that figure rose to 441, an increase of approximately 25 per cent. Last year the number rose again to 481, a further increase of nearly 10 per cent.

I am also pleased to report the establishment last month of a joint steering committee on hazardous substances in the workplace. This committee will consider priorities for regulating hazardous substances, the most appropriate exposure limits and the best overall regulatory framework to ensure that Ontario workers are protected from exposure to all hazardous substances.

The new joint committee is composed of equal numbers of representatives of organized labour and employer groups and is chaired by Tim Millard, recently appointed as assistant deputy minister of the occupational health and safety division.

Il reste encore beaucoup à faire dans le domaine de la santé et de la sécurité du travail et ce, pour de bonnes raisons. L'année dernière, plus de 442,000 blessures ont été causées au travail en Ontario. Il va sans dire que cela représente beaucoup de peine et de souffrance.

Indeed, much more remains to be done in the area of health and safety legislation, and for good and adequate reason. Last year in Ontario, there were more than 442,000 work-related injuries. Needless to say, that represents a great deal of pain and suffering. I am currently reviewing the Occupational Health and Safety Act and plan to introduce a series of amendments to that act over the next few months.

Let me now turn to workers' compensation policy issues. The annual report of the Workers' Compensation Board is presented separately, as you know. So today it is my intention merely to touch on some of the policy highlights.

The past two years have been a period of reform and renewal for the workers' compensation system in Ontario. The major initiative during this period was the implementation of Bill 101, which constituted the first major overhaul of the system since the inception of the WCB in 1915.

One of the major reforms was a revitalization of the WCB board of directors. The newly constituted board includes a number of external directors who represent labour, management and the professions.

The reforms also included the establishment of a new workers compensation appeals tribunal, or WCAT, which operates independently of the WCB; the office of the worker adviser; the office of the employer adviser; and the Industrial Disease Standards Panel.

The demand for some of the new services has exceeded all expectations and has produced unfortunate backlogs. Efforts have been undertaken to reduce these backlogs with encouraging results. At WCAT, for example, the turnaround time from the date of appeal to the date of hearing has been cut in half, from an average of 10 months to an average of five.

The office of the worker adviser has also been taking steps to deal with an increasingly heavy workload. These steps include hiring additional staff in the most overburdened areas, improving management procedures and analysing completed cases to facilitate advance planning and community training programs.

Let me now turn to the vocational rehabilitation of injured workers. In the speech from the throne, the government affirmed its commitment to a client-centred approach to rehabilitation and to the concept of early intervention in the process. That concept, as you know, was endorsed by the Ontario Task Force on the Vocational Rehabilitation Services of the Workers' Compensation Board, which presented its



report this past September. I have asked the WCB to respond to the administrative recommendations contained in the report, and I am expecting a final reply from the board in the new year. In the meantime, the ministry is actively studying the policy recommendations contained in the task force report.

As members know, operations at the Downsview rehabilitation centre were reviewed this year. The report on the review contained a number of far-reaching recommendations, the principal one being that the centre be transferred from the WCB to the Ministry of Health and that it be turned into a public hospital specializing in medical rehabilitation. That recommendation and others made by the Downsview review team are being studied by senior officials of the WCB, the Ministry of Labour and the Ministry of Health. I expect this study to be completed in the near future.

Also under re-examination is the WCB policy on compensation for workers with partial but permanent disabilities. The question has been studied by Professor Paul Weiler, who presented his conclusions last year in his third report on the compensation system and, I interject, whom I had an opportunity to meet once again this morning to discuss these issues. Professor Weiler pointed out that some injured workers continue to receive less than complete redress for their real economic losses, even though the cost of permanent partial disability compensation is rising.

The Weiler report has been circulated to interested parties, and numerous briefs and submissions have been received by the ministry. This input is now being evaluated. I expect to bring forward new proposals on compensation for permanent partial disability next year.

The report was circulated as part of an information package that also contained a ministry discussion paper on the right of injured workers to job reinstatement. Reinstatement is a recognized means of enabling injured workers to recover not only their earning power but also the emotional wellbeing that goes with a resumption of productive activity. The ministry has received a number of submissions on this question as well, and this input is also under active study.

Let me now turn to labour-management relations in Ontario. The first thing to be noted is that this is a period characterized by growth and stability. This is not to say that there are no major concerns, because there are, starting with volatile capital markets, a free trade arrangement

with the United States, plant closings and industrial restructuring.

Nevertheless, Ontario's performance in the vital area of job creation remains rather impressive. It is estimated that 146,000 new jobs will be created this year alone. This growth finds its reflection in unemployment levels which are the lowest in 11 years and which are currently the lowest in Canada.

The statistics for this year also point to stability in the collective bargaining climate. In the recent past, major industries such as the automotive, steel and pulp and paper industries have all settled contracts with little or no disruption. In 1986, the number of work stoppages dropped by 23 per cent from the previous year. Person-days lost all fell considerably. The trend towards fewer work stoppages has been maintained in 1987. For example, on December 1, there were only 15 strikes and lockouts in Ontario pertaining to companies under provincial jurisdiction. This involved approximately 1,800 employees.

Undoubtedly, the new year will bring fresh challenges to the collective bargaining scene. Within the calendar year, 3,140 collective agreements involving some 524,920 employees will expire. For the most part, this will affect workers in the construction, mining, meat processing, auto parts, health care, steel and retail food sectors.

Alors que nous entrons dans une période très active, je suis confiant que les parties impliquées dans la négociation de conventions collectives continueront de renforcer leurs relations dans l'esprit constructif qui existe en Ontario.

As I have said, I am confident that as we enter this busy period, the parties involved in the collective process will continue to build upon the mature and constructive relationships that exist in Ontario.

In beginning my review of the ministry's employment standards mandate, I would like to discuss the report of the Donner Task Force on Hours of Work and Overtime. The task force, which was established by an order in council in March 1986, was asked to address the problem that some employees were working substantial amounts of overtime while others were experiencing layoffs and unemployment.

Phase 1 of the Donner report has been published. It contains some 22 recommendations. These have been reviewed by ministry staff on the basis of extensive consultation with workers, unions, employers and other interested parties.



Phase 2 of the work deals with the special treatment of agricultural, construction, trucking and domestic workers in relation to overtime. This phase has recently been completed, and I expect that the report will be distributed for public comment early in the new year. Once this public consultation has been concluded, the ministry will be developing its policy proposals.

Earlier this fall, we amended the regulations on domestic workers in order to improve overtime compensation and enhance basic working conditions in this job category.

As you will be aware, the Solicitor General (Mrs. Smith) has announced her intention to introduce new legislation regarding Sunday opening. It is my intention to bring forward accompanying legislation that will protect affected workers. In the meantime, I have just introduced Bill 51, which is designed to protect workers who refuse to do work on a Sunday where to do so would contravene the Retail Business Holidays Act. Under the legislation, an employment standards officer will be able to order the reinstatement of an employee who is dismissed for such refusal.

The ministry is undertaking a complete and comprehensive review of the Employment Standards Act. At the end of the last session, the act was amended to increase employees' entitlement to severance pay and to require longer notice in cases of termination. The new legislation also required employers to provide detailed information to the government about plant closures and mass layoffs.

I would now like to touch briefly on the government's activities in the matter of free trade and labour adjustment programs. As a member of the cabinet committee on free trade, I have recently had the opportunity to meet with a large number of labour and women's groups around the province. I am fully aware of their concerns, which I share, about the effects of a free trade agreement on the working life of Ontarians.

## 1600

As members know, the federal government has paramount responsibility for assisting unemployed people, both with income support and training programs. However, it is also a fact that, of late, through overly restrictive eligibility rules and declining federal funding, the federal government has actively sought to abdicate its historic duties. To date, Ottawa has offered no improvements in labour adjustment programming to meet the needs of either industrial restructuring or the possible ramifications of free trade.

In contrast, the government of Ontario has undertaken to assume an active role in the area of labour adjustment. In my previous responsibility as Minister for Skills Development, I initiated several employment and training programs.

These include the \$100-million Ontario's Training Strategy program, which focuses upon providing short-term skills training to employed workers, and the \$140-million Futures program directed to our young people. This past August I announced yet another skills upgrading initiative called Transitions. This is a \$14-million program aimed at laid-off workers aged 45 or over.

The Ministry of Industry, Trade and Technology will soon announce the appointment of an industrial restructuring commissioner, who will help in seeking ways to avoid plant closures and large-scale layoffs. The Ministry of Labour provides an employee counselling program for those workers affected by layoffs and plant closures.

Most recently, this service was used by more than 75 per cent of the 1,300-member workforce of the Firestone plant in Hamilton. In 1987 the ministry participated in 65 joint labour-management committees with the purpose of assisting in job placement and in obtaining access to training and relocation programs.

Enfin, j'en arrive maintenant au sujet de l'équité salariale. Tel qu'annoncé lors de la lecture du discours du trône, la Loi sur l'équité salariale entrera en vigueur le 1<sup>er</sup> janvier prochain. Avec cette loi, l'Ontario est passé à l'avant-plan des provinces canadiennes dans ses efforts afin de s'assurer que les femmes au travail sont traitées de façon juste et équitable.

Finally today I come to pay equity. As announced in the throne speech, the Pay Equity Act, Bill 154, will come into force on the first day of the new year. With this unique and progressive legislation, Ontario has become the foremost jurisdiction in Canada in the effort to ensure that women workers are treated fairly and equitably.

As you know, the Pay Equity Commission is under the chairmanship of Dr. George Podrebarac, the former deputy minister of the human resources secretariat. It now gives me great pleasure to inform this committee that the Pay Equity Hearings Tribunal will be headed by Beth Symes, a noted lawyer in the fields of labour and human rights and a founding member of the Women's Legal Education and Action Fund.

The tribunal is part of the Pay Equity Commission. It was created to act as adjudicator between employers and employees who are

unable to agree on plans for eliminating gender-based wage bias. As members are aware, businesses are required to set up such plans under the new pay equity legislation.

The Pay Equity Commission has begun hiring staff and is also in the midst of preparing educational and informational packages to facilitate implementation in the private sector. This is a particularly important aspect of the commission's endeavours, for it is the intention of this government that pay equity be put into effect in the most co-operative and nondisruptive manner possible.

Ceci met fin à ce rapport. Je tiens à remercier les membres du comité de leur attention.

I now conclude this report and wish to thank the committee for its attention.

**Mr. Mackenzie:** The procedures may be a little different this time because, unlike past sessions—I am not sure what my colleagues in the Conservative Party have done—we have a number of points that we want to cover but do not have a formal presentation. I am going to go over some of my concerns with the minister, and possibly in his response later he can take it from there. Tonight we may take a look at his statement and see if there is anything we want to raise with him specifically.

I would like to start out by wishing the new minister well in the first set of estimates that I have been involved in with him as the minister. I would like to point out that we have not changed our opinion that he has inherited a real swamp and he is going to have his work cut out to do a little draining or whatever else may be necessary to make workers, and organized workers in particular, feel they have something going for them.

I did appreciate the contrast between this minister and the previous minister. The previous minister came on at the beginning as a minister for labour. All of us remember those particular remarks, and I think they got him into more trouble than they helped him. I have not heard the present minister say that at all. That probably was a better way to start. I think it was avoiding a mistake.

I trust he also recognizes that he will get himself into trouble, whether he appreciates it or not, if his approach in the House is to give us some of the little lectures, which some of us take as a little bit condescending, that have been a practice up until now. If I can be so bold as to say it, the minister obviously has the learning skills, and I think part of it is going to be understanding

the labour movement and the depth of the feeling and commitment on certain issues.

The minister should be aware of the importance of issues. Right down the list, not necessarily in this order, the key ones are pay equity, which he will have something to do with and on which we will be seeing the new bill at the beginning of the year—that is going to have to be done right and there is going to have to be enforcement of it—and pension indexing, which is not his direct responsibility, but is something at the top of most workers' lists in Ontario. I am not sure if it is a growing concern. It is a concern that has been there for a number of years, but it leads into so many other questions, including the possibility of early retirement, bridging and things that affect workers directly. I am just saying the minister should be aware, whether he has the responsibility for pension indexing or not, that it is a major concern among workers in Ontario.

We are seeing, to my way of thinking, a disturbing trend in terms of additional plant closures across the province. I am not sure if the figures are accurate, but I have seen predictions that this year could see better than 10,000 in terms of workers' jobs lost.

We have not come to grips in Ontario with the effect plant closures have on workers. I know I have used it in the House any number of times, but I am still in regular contact with some of the Consolidated-Bathurst workers, which is probably the best tracking that I have been able to do in the Hamilton area. I was disturbed some months ago when someone somewhere—I forget where it came from now—had a figure that we were down to only about 25 per cent of these workers who had not received either a new job or some resettlement.

That is not my perception. It is not the perception of Rudy Oliverio, who is one of the workers and the president of the local in there. We just helped him with a disability pension problem. What was happening was that those older workers were simply going out of the marketplace and consequently dropping off the list. There are not a heck of a lot of them who are settled at much better jobs. This is the case.

In my constituency I am still hearing from Allen Industries and Arrow Shirt workers who used to work in those plants. The chicken processing plant and the Inglis plant workers are the current group of workers who are coming in. They tend to be a younger group of workers, and many of them are now located—I think there were



71 or 72 at the last count—down at the Camco plant in my town.

The facts are that the older workers in some of the plants have had a rough time of it, and they are not easily retrainable. With some of them, we had great difficulty in getting them to go into even the upgrading of the basic skills jobs when they had worked in a plant like that for 20 or 30 years.

#### 1610

For all of these reasons, the idea of improvements—this is not the only area—in pension and bridging is important. I think it underlines the necessity of work on plant closure legislation, and that, as far as I am concerned, is a legitimate and very serious criticism of this government. The day has passed, as far as I am concerned, when we hark back any more or to any extent to the so-called accord that we had for the first less than two years of this government, but I would remind the minister that that was one of the items on which we were supposed to see action and on which we have not seen any effective action, and I think the workers in Ontario are suffering as a result of the lack of action dealing with plant closure protection.

I think worker security is an issue. It ties in with many of the other issues I have talked about, and it is why we are concerned with the hours of work and the overtime issue. When you talk about workers' security, it is inclusive of a number of areas, and hours of work and overtime are one of them. Vacations and staff holidays are another. That is why the minister will see bills such as he has seen. Part-time workers' benefits are another area. Successor rights are another area, and so is bankruptcy protection.

I have to spend just a second or two on that. I can remember asking questions away back to Bob Elgie's day as Minister of Labour and hearing commitments in the House that if, by a certain period of time, we did not have some federal action on this problem, we were going to see the province take some action. I think we got much the same response—maybe not quite as definitive—from the current Minister of Consumer and Commercial Relations (Mr. Wrye) when he was minister. I have not seen the protection there yet in terms of bankruptcy cases and in terms of workers, and I think this government cannot any longer get off the hook by saying, "We are waiting for some kind of federal action." I think it is an area where, because of the delay in federal action, the province should be working, should be moving.

I think antidiscrimination protection and severance pay are both areas that deal with worker security. Another area that disturbs me is the lack of antiscab legislation in this province. It is an area in which we have consistently found governments, whether they are Liberal or Conservative governments, to be leery of moving; and I understand the pressure that may be there from management. My approach may be an oversimplified one but, other than the maintenance of safety or the ability to operate the plant in future—I am thinking of furnaces and shut-downs and so on here—when there is a legal strike situation in Ontario, I simply do not think that another worker should be allowed to be brought to do the work of the workers who are out in a legal strike situation.

I suspect that the minister does not share that view; I know his party has not up until now. But I think antiscab legislation is vital, particularly with the kind of pressure that is on workers today. They have been under fire. Mind you, I think some of the drastic swing we have had to the right in this province has abated a little bit, but I think we are seeing almost a legitimizing of strikebreaking activities in this country, and it shows most clearly in the Air Canada situation—I know that is federal—that we have seen recently and some of the Canadian Union of Postal Workers operations.

I believe what is going on in many of these particular fields are management attempts to break unions, and I think it is almost a legitimization of strikebreaking operations. The minister has got to be aware of that attack on labour and has got to be prepared to take a look at what we might do to offer additional protection in a legal strike situation.

I have said it before and I will say it again. I have been on an awful lot of picket lines in my day. I have been up before judges as a result of actions on those picket lines. I have been told that I should not have been on the picket line, that as a member of parliament I was a disgrace to the province because I had marched with the workers. I am thinking now of some of the Radio Shack incidents.

I have rarely, although I will admit it happens, seen exploitation of people at the same level that I have seen from company security people and, in many cases, the police. While the police actions may not be deliberate, what I find is that there is an intimidation of workers there. They are always called in, 99 per cent of the time, by the company, and very quickly—a point I have tried to make in these Labour estimates over the



years—what you get is a loss of respect for the law in the province because of the perception by ordinary working people that when they are out on one of the most important decisions they have made in their lives, and that is to go on a legal strike, the next thing they know, the police are in there clearing the plant gates for cars or strikebreakers to go in, and somehow or other, the law works only for one group of people. I would suggest that where it has resulted in some rough times on picket lines, very often that is exactly the reason for it. There is not a perception in most strike situations where the police become involved that the police are neutral, and that is the very least that should happen. I can tell you from personal experience, I can tell you from recent experiences that there is justification for that perception.

As an example, I took part recently in a picket line in my own town, in Hamilton, when the Camco workers were on strike. To the sergeant who was in charge of the police contingent that was opening up the lines in that particular strike we had some pretty rough words. Not only did officers there move with undue force, as far as I am concerned—and usually they matched the picketers in number—but officers in this situation deliberately went up to some of the leaders on the picket line. My son himself was one of them in one case; he was the vice-president of the local. Not only were they excessively rough on these particular workers, but I can recall one of them sticking his jaw out and saying, “Go on, go on, take your best shot at me.” That happened not once but on several different days on that line, and it was obviously deliberately intended to try to provoke a reaction that really would have meant that the leadership of that particular strike could have been taken off the line.

So I am simply saying that we have got to counter a lead which is apparently being taken to some extent by the federal government and by some of the more right-wing provinces really to legitimize strikebreaking in this province, and we have got to be aware that this is a serious concern of workers themselves.

I think there is an inability on the part of the government to cope with—I am not sure what it would be—I guess a tendency to marginalize workers, particularly in the service sector, the full-time to part-time that we talked about when we were debating your particular bill, Bill 51. You have got a trend to part-time work, to less and less work that is, I think, almost alarming. I probably have, I could safely say, four or five cases a month now that come into my consti-

cy office of workers who used to work 24 or 30 hours and, all of a sudden, they are cut down, like it or lump it, in their operations to 12 or 16 hours. It hardly makes it worth while.

The cutback in full-time employees in much of this industry to part-time employees, and in many cases below the levels where they are really entitled to some of the additional benefits, is a marginalizing of the workforce, and I think it is an area we had better be aware of and had better be taking a look at. It probably ties in with the need for not only some attempt, if it is possible, to stop this, but certainly some attempt to see that these workers receive, in terms of pensions, benefits and the various plans that they might lose out on otherwise, some coverage. I think we have got a real area of concern here.

I hate to think that we have to go this route, but I have had some of my friends in the Ontario Federation of Labour and in the steelworkers and auto workers tell me that the approach may be the need for a whole new employee protection act in Ontario in many of these areas that we have talked about.

The other thing I am hoping we will see more work done on is the successor rights area that we talked about, in terms of the cleaners and the problems they have had. I am just waiting for that to surface again in the city of Toronto and some of our other cities. We have had at least an indication of real sympathy from the previous Minister of Labour, and it seems to me that there is an area here that this minister should be taking a very serious look at.

I guess I have not gone through a set of the Labour estimates without reading the preamble of the Labour Relations Act into the record. I do not think I will do it again. I think the minister is well aware of it and feels—I have also had some harsh words to say on occasion—that it is supposed to mean what it says. I have not always seen that to be the case in terms of dealing with labour in Ontario.

The minister should be taking a look at the current atmosphere, which is rougher, in my observation, for the organizing of workers. There is a lot of fear out there in the community in spite of the higher employment levels at the moment. We also have a lot of fear in terms of older workers and in terms of the security of even those who are working in the province today. We should be taking a look at the tools that workers' organizations have in terms of organizing them.

**1620**

I cannot understand why we cannot sell an argument I have been trying to make now for five

or 10 years. If the preamble means what it says, and it is in the interest of the province for workers to have the right to organize for the purpose of free collective bargaining, then why do we have the outdated and antiquated procedures where the application date is not the terminal date? Why do we have the period when the petitions can be organized and the pressure put on to discourage the workers?

The notices are much more specific now. Many of the boys who are involved in organizing in the local unions have talked to me about this in the last few weeks. The notices almost encourage and set out reasons that the company or somebody else can jump on, when trying to organize a counter-petition or a petition against workers.

It is duplication once again, I guess, but when I talk about organizing unorganized workers, particularly in industrial ghettos and cities like Toronto, they tell me that it really has not changed from the days when I was organizing. I have said this before, but I remember well going before old Judge Finkelman with certification applications for local unions in the Windsor area. I am going back a lot of years now.

I cannot recall one application that I made for certification when I did not end up with a petition or some other action against it. At that time, not one of the petitions—and maybe I was just lucky—was acted upon. In other words, we were able to reject them all or have them eliminated from the hearing, but that is not the case today in many, many hearings.

I can tell you also that I do not know of one of the petitions against the union that was not eliminated before the board at that time, simply on the basis that we were finally able to prove it came from a foreman, or the company, or the company lawyer or somebody else like that. There was that kind of pressure. You may find a small group in a plant, but you have to understand that those workers have had to be a majority to begin with who have signed the application and paid their dollar.

I simply have not been able to understand why we allow a period for the company to deliberately go in there and try to disrupt that organizing effort. Nor have I been able to understand why, when a plant has been organized and a majority of the cards have been signed and the money has been paid and the procedures are reasonably strict, the company should have any say other than verifying that those are workers who would be in the bargaining unit. You can have enough trouble with that area alone as they try to, in the

modern day and age, eliminate certain groups of workers in a plant where there is an application for certification.

What I am saying—and my bias may show—is that I think if the Labour Relations Act preamble means anything, we should be encouraging the organizing of workers for collective bargaining purposes. I happen to think society and the workplace itself is healthier for it. We do not do it in terms of some of the barriers that we seem to put up through the procedures that are there in current legislation. I want, just quickly, without really going into detail on all of them, to list the various bills I have moved. I think they speak for themselves in terms of why.

Amending the Pension Benefits Act: I understand that is not the minister's direct responsibility, but it certainly has to do with a battle I thought we had won a long, long time ago. Strangely enough, even some of the current key ministers in this government served on the select committee on pensions where we could not agree on indexing a number of years ago.

We did agree, at that time, and I think the members of all three parties did, that any money that was in a pension fund or any surplus really belonged to the workers and should be used to improve that pension. We obviously have regressed, not progressed, in that view, because there are an awful lot of ministers now we have heard in the House telling us that as long as the plan itself is fully funded it ain't necessarily so that the excess money should go to the benefit of the workers.

I can tell you that, in Ontario, most workers, overwhelmingly so in the organized sector, had believed that if the plan was well invested and did well it was, in effect, their money. That certainly is not a perception that is totally supported now, and some of them see it as maybe meaning that we have to reopen all the old fights towards better Canada pensions plans, and one set pension and all the rest of it. There are a dozen and one ways we can go, but I think workers really are being cheated in not having the access to that money for improvements in their pensions.

A public audit board to require plant closure justification: I personally would put it very high on my list. We went through that and we submitted the bill, as the minister knows, and tried to get some movement on that in the last session. We did not get very far. I think what is happening in the employment sector is a clear indication that we are going to have more problems with plant closures.



The free trade situation is likely to lead to a lot more branch plant closures, if some of the testimony that was before the select committee on plant closures and employee adjustment or the committee on the free trade issue some time ago is accurate. It seems to me that the incentives are not really there to keep open Ontario plants that were built in this country simply to provide access, to get around tariffs and so on.

When I take a look at most of the Canadian market being about 100 miles from the border, if there is excess capacity in head office plants, I know where the goods are going to come from. It seems to me that is going to lead to more and more branch plants being likely to close. I always thought, although some of the others did not pick it up, one of the most devastating bits of evidence we had before the select committee on economic affairs when it was looking at free trade a year ago was the comment of the three trucking company vice-presidents.

I think it was the vice-president of CP Trucking who simply told us that he travelled around Ontario a lot and that as many as 500 of the small firms he did trucking business with that were branch plants of American operations indicated to him that they would seriously be looking at a closure of that plant in the event of a comprehensive free trade deal.

That worries me in terms of not having any kind of justification procedures in provincial law. Now I recognize that they might not be any good under a free trade agreement, but that probably underlines our problem with the free trade issue as much as it makes a case for the necessary legislation to justify plant closures in this province.

The Disabled Persons Employment Act: I will confess have not looked at that for two years now, so the figures are probably a little better, but it simply sets a quota in terms of disabled people. The background of that is my frustration and, I know, the frustration of a number of other members for years about disabled people.

Epilepsy was one issue that centred on my office. One young chap came in with a hundred and some applications in a three-month period. There was no question when I got into it that the reason people were being turned down for employment was their disability, if you can call it that. The young chap I used at the time as an example, and the ministry did try to help him, is in a very low paying job today, so we really have not had an answer for him. He had a particularly mild case of epilepsy, but it still had really

wrecked his record of employment and his life in Ontario.

The bill sets a quota. As I say, it was because of my frustration that I brought the bill in the first time, and I have brought it in over a number of years now. I have not done a lot of research on it but I felt simple frustration that every year when we came into the Labour estimates we found that the figures did not change. About 85 per cent of those who were disabled or handicapped were not working.

Year after year we would ask for those figures and we would find that there was almost no change. If we are not going to change it, then maybe the only answer is to set out a piece of legislation that requires a percentage. I think the figure I used in my bill was three per cent, unless you wanted to pay a special tax and somebody else whom we could guarantee employment might pick up a little more. Without guaranteeing employment for people in this kind of position, we are trampling on their rights and any real, viable future they have.

About a year ago, my leader suggested that we do a little research as well when we were meeting with some of the handicapped groups. We found out to my surprise—maybe I should not have been surprised—that there is actual quota legislation in most of the free western world. I admit it is honoured more in the breach than the carrying out, but the percentages were anywhere from 1.5 to 3.5 or 4 per cent. In one or two countries it was actively used, according to the work we had done through the research department here at Queen's Park.

I think the idea was maybe not as crazy as some people thought, and it was not that I had any ideological commitment to the idea of quotas. I am simply saying that to this day—whatever the figures are, and I am sure they have not changed much—we have not answered the problem of the handicapped and the disabled in terms of employment. If we are serious about it in a civilized society, then I think it is something we should be doing. The Education Act is not yours, so it does not really come under this, but the connection is that it would allow local boards to provide medical and insurance benefits to retired employees. I am sure every member in this House has had letters and requests on that.

1630

The Employment Standards Act: The leave of absence for employees elected to political office does not exist for municipal office now and, in some cases, for higher levels of office. I think



that should be in legislation. We should be encouraging people to run.

Safety provisions: I am not going to deal much with safety because I think one of my colleagues will, but an ongoing battle of the transit workers here in the city of Toronto on both the buses and the trolleys has been to try to get the white line provision in. That means that they are not supposed to pull away if anybody is standing in front of the white line and that is a provision, in fact, in many cities in Ontario.

The transit union in Toronto tells me that at least two serious accidents, fatalities, were a direct result of inspectors ordering drivers to pull away during rush hour even though they were jammed right to the doors. We do not have the right of the transit operators to refuse. It seems to me that the commission's argument that we have run into there—and I have raised this with the Minister of Transportation (Mr. Fulton)—is that it would have to put extra buses or trolleys on in the rush hours. Once again, it is a cost deal where you are measuring cost against safety. I think it is dangerous to both passengers and the drivers on the transit. That is why it is there, although I admit it is not a direct labour bill.

Political rights for civil servants; amend the Labour Relations act to include security guards in bargaining units; amend the Labour Relations Act to deal with attempts to replace union or prospective union employees with nonunion employees; amend the Labour Relations Act to provide coverage for agricultural employees in an industrial or factory setting.

If the minister or his staff had taken a look at previous Labour estimates, they would know that this has come up a number of times. It is an old saw now. I am not sure if there has been any attempt to reorganize them, but it really came about by the efforts, at the time, of about 170 workers in Wellington in Prince Edward county to organize. These workers were in a mushroom plant. They were on a moving assembly line operation. They punched their cards in in the morning and punched out at night. They were, in every way you wanted to measure it, on a straight industrial operation.

The soup plant next door was organized but because, apparently, under the legislation we have in Ontario they were in a mushroom operation, even though it really was a factory, they were not covered under the Labour Relations Act and they were not allowed to organize. Nobody to this day has given me an answer, an argument or a justification for the fact that those workers went through the organizing process,

signed a vast majority of cards, applied to the Ontario Labour Relations Board and could not have the right to organize because of restrictions against agricultural workers. As I say, that is an old one, but I just have difficulty understanding why we are not able to move in an area like that.

Amend the Labour Relations Act to prevent the hiring of strikebreakers: I give that fairly high priority as I do to the plant closure justification.

The Employment Standards Act to provide three additional public holidays: We are not bad in Ontario but we are not leading the way. There are one or two provinces that I think are a day ahead of us, but I do not know why we should not be leading the field. I suggest that if employment is a little better right now, if unemployment is a little lower—although I think there are some deficiencies in the figures that we have because of things like older workers—then now is the time when we should be improving the situation.

It makes sense to me. I do not have it with me now and I would have to spend some time digging for it, but at one time we had some evidence—I am not sure that it was hard—that additional paid vacations and additional statutory holidays did have an effect in terms of the number employed. I suspect that would be the case. That is probably not the main area. I think it is just about time. There are not many good union contracts, for example, where there are not nine or 10 or even 11 statutory holidays. I am talking about the better ones now, I will admit it. It seems to me that we should be leading the field in this area.

It is the same thing with vacations with pay. I still use as an example a woman who wrote me a letter and said: "My husband is a construction worker. He is not a union worker and he gets two weeks' vacation with pay which is really what the law provides. He has worked for this one firm for 27 years." I am talking about a letter that goes back a few years now, but I am sure the same thing would apply.

Why does the worker down the street who is a unionized worker get in his contract four or five weeks' vacation? The majority of people, as you know, are not organized or unionized. A good answer, as far as I am concerned, is that he should have bloody sense enough to have his plant organized, but that is not always so easy. It seems to me that there is an unfairness in society when we do not have better vacations than we have.

In terms of most of the free world or the western world as we know it, we are away behind in terms of paid vacations. We are behind at least

two provinces that I know have three weeks' vacation with pay, by law. Why should Ontario, the leading industrial province and probably the richest province by a country mile in this country, not be showing some leadership or at least be on a par with the best that exists in our country? I think there is legitimacy to this being part of a package that may have something to do, as well, with improvements in our employment possibilities.

Contracting-out situations are something we have started to hear about and we are going to hear more about. It is going to be a problem in some of the major industrial plants as well as some of the smaller operations. The minister should be taking a look at this.

The reduction of the workweek I personally think stands on its own. I cannot understand why we are still here with the 48-hour week, why we do not have the 40-hour week. I cannot understand why we are not taking a serious look at a gradual further reduction of that workweek. I certainly would like to see us move to a 40-hour workweek in a year or two down the road. All of us know these things move slowly, whether some of us would like them to move faster or not, but take a look at considering reducing this to maybe a 39-hour workweek and then take a serious look at how we can do it.

I think that is the mark of a civilized society and the mark of some of the answers that are necessary in a country that is probably facing a fair number of problems in terms of the changes in procedure and the changes in production. I do not think we have any difficulty any longer in this country, and this is a point we have made before as well, in producing anything and everything we want.

What we do have a problem with in this country is the distribution of the benefits. This is a very clear problem which shows in many ways, the increasing number of very well-to-do and the increasing number of very poor at the other end of the ladder who are not sharing adequately. I suspect the figures probably show, although I have not checked, a diminution of the so-called middle class in this country. Certainly, we are not seeing an equal and just distribution of the benefits of an ability that we have never had before to produce anything and everything we want in this country.

I guess this is the underpinning as far as I am concerned with some of the requests that I think are necessary for improvements in conditions for workers in this country of ours.

As I said, safety and health is going to be an issue that one of my colleagues is going to raise, but there are a couple of things I do want to raise with the minister. He had encouraging things to say about the health and safety field. I was talking to a couple of people very much involved with the construction unions just yesterday as a matter of fact, and they have a number of concerns. There might be a self-interest here and I will even admit this before I start with the minister, but I think their arguments to me were very valid.

They are concerned with who is being hired and the kind of experience that is there. They gave me a number of examples of people who were recently hired as safety inspectors who did not have the practical and the work experience, as against some people who had been recommended and been much more active probably at the local union level, who were not hired and would have been much more competent in terms of looking at construction safety problems.

They took a look at 13 people when they were talking to me and said that of the picking and choosing of those that they knew were potentially available and those that were picked, they would suggest—and these are people who are active in this field—the worst of the lot were those who were picked in terms of their competence and ability.

I would like to know who the candidates are, in terms of picking safety inspectors, and I would like to know what the criteria are and who is making the decisions, because at least in terms of some of the building trades, there is a practical lack of experience, and good people who have been very much involved in the field are not always considered.

They also feel that prosecutions and laying of charges is down and this is not healthy in the construction field. They gave me some figures which I have not had a chance to check, but in terms of the decline in charges, they said that up until September 1987, the accumulated total of prosecutions was 95 as against 247 the previous year, which was down from the year before. I cannot verify those. I have not as yet had a chance to look at them. I got them only late yesterday and some of them this morning.

#### 1640

But it is their perception, also, that there is a decline in charges against construction companies, that there is a slight increase in charges against supervisory personnel, but that there is a major increase in charges against individual workers. That is a point I know my colleague the



previous member for Sudbury East used to make as strongly as he could in the House. I can tell you that if that is the approach we are taking in that field, there are going to be some real problems.

I hope that perception is not accurate; but that was the perception, once again, given to me by people in the field. All of this is in face of the fact that the number of accidents—I am dealing now with the construction area—last year was 6,902 and this year to date, 7,613. As I say, I have not got verification of those figures, but they disturb me because they come from some knowledgeable people in the field.

I have a comment on the formation of a nonpartisan committee to look into standards that are set. The general sense is that some of the standards are not getting any better. I am talking now about the toxic fields. They had some unkind things to say, I can tell you, about the blanket order against sewage treatment workers, which Paul Murray was involved in, about the monitoring of workers that is going on. The workers were being monitored in these plants and workers, in effect, were the tools. It was not the operation, it was the workers who were being monitored in terms of the conditions in some of the sewage plant operations.

The other thing raised was that consultation could be a little better than it is. There are people in the labour movement, I can tell the minister—I am sure he is aware of it—who feel that consultation is not there where it should be. Some of the appointments of safety and health inspectors were mentioned, but also things such as the legislation dealing with protection of workers, store hours, and dealing with the whole question of Sunday shopping to begin with.

The minister may be able to tell me of some, but I have not yet been able to find any people who felt, as a union, they had any advance notice or consultation. I guess this may not be accurate about the advance notice, but consultation is in this particular area.

As I am sure the minister is aware there have also been some serious questions as to some of the appointments that have been made at a more senior level, and I know he knows of the Ontario Federation of Labour objection to the appointment of Mr. Gladstone.

I want to deal briefly with a couple of other areas that concern me. I am not going to go on. We had our little session in the House and nobody is going to convince the other very much, I guess, in terms of the effectiveness of Bill 51. I suspect, as I said, it is not going to be very effective given the conditions in that trade, but

we will give it the benefit of the doubt and see what happens with its first application.

I am not happy with what I am hearing, and I do not have all the details yet of the Workers' Compensation Board's decision on the 110 or 120 gold miners and the exposure they have got to have. I thought the release put out by the steelworkers' union just the other day, WCB Callous to Gold Miners with Cancer, was right on. Some of it may be just the long fight. I have been in this House 12 years and gold miners and gold miners' widows have been into my office every single one of those 12 years, and this is largely a classic example. Some of the protests they have taken to the ministry over the years, and I suspect to this minister and certainly to the previous minister, are well known in Ontario.

I will read into the record the release I have here, which is very brief. "WCB Callous to Gold Miners with Cancer. 'The idea that gold miners with cancer should have to prove that they have silicosis as well before they can get workers' compensation is plain ridiculous, and cruel to boot,' stated Leo Gerard, Ontario director of Canada's largest mining union.

"Gerard was commenting on the WCB's new interim policy of compensation for gold miners with cancer or their surviving widows and families. The new policy would require a cancer-stricken gold miner to have been exposed to the gold mines for 60 years and be diagnosed as having silicosis as well before the WCB would pay compensation to him and his family.

"'What a heartless way to treat cancer victims whose only crime was to work hard in the gold mines of Ontario,' said Gerard. 'Silicosis is a completely unrelated disease.'

"'You cannot help but come to the conclusion that the WCB is looking for a way out of paying compensation to gold miners who contract cancer or their surviving widows and families,' said Gerard. 'This despite the fact that WCB chairman Robert Elgie promised at least some compensation last spring.

"'Even requiring 60 years of exposure before a cancer-stricken gold miner can get compensation is callous enough. But to add silicosis as well, you have to wonder,' said Norm Carriere, the Ontario health and safety co-ordinator for the union, which has 80,000 members in Ontario.

"Steelworkers has called on the WCB to release the phase 2 mortality study on uranium miners, which has been ready since April. The study is looking into the incidence of lung cancer among uranium miners. 'We were told all along that it was not ready, but now selected members



of the public have been shown a copy. We demand that we be allowed to see it as well, since it is our own members who are most affected,' said director Gerard."

If that has not been released since this release came out—and it is a fairly recent one—why does the union not have a copy of that study? I think that is an extremely valid question. I understand that 120 widows or miners, in most cases I think widows, were qualified under the arrangements that have been made, and it is almost perverse the way they have been picked. Certainly, to me, that is not adequate.

I wanted to raise again, as I did in a statement in the House today, the question of the United Rubber Workers, Local 113. They are hoping, almost desperately I might say, that a document that is supposed to be couriered to them today, which will set out what Cooper Tire would be willing to accept in the way of experience, will give them some hope. But it would appear at this point in time that Cooper Tire is not prepared to guarantee the seniority or the successor rights. They are prepared to recognize the union and that is about as far as it goes.

We have 1,300 workers in that plant who, in effect, are seeing their livelihood destroyed for the time being. We have a situation where 200 of them, as I understand the agreement that is likely to be announced, will have jobs. That could go up to 600 after 18 months, but on the basis that Cooper Tire as I understand it, and I have not seen the final documents, makes a decision as to whom it is willing to hire. I doubt very much that will be acceptable to the union, but of course that is something they are going to have to decide.

What I am annoyed about is exactly what I raised in the House today, regarding the letter, dated November 19, sent in this case not to this minister but to Monte Kwinter, the Minister of Industry, Trade and Technology, dealing with their concerns over their jobs, their contract, their seniority, their successor rights and the things they had heard, and specifically requesting an opportunity to meet with him personally.

I followed up by calling the ministry officials as well and urging them to agree to meet with these workers. This morning I talked to Charlie Scime, the president of the local, to hear that they have not even had a response to this letter. This illustrates what I was telling you earlier in terms of the workers' perception of the kind of treatment they get and the trust they have in the various ministries.

Here is a deal that is probably the major deal—other than maybe the school closing—in my

constituency right now affecting people, that the whole city knows about, and a plea by the workers to a minister to help them with what is going to be 1,300 jobs in the community and their rights under their contracts. To date, they have not even had a response, or did not have as of this morning. I find that simply unacceptable.

The other thing I want to raise with the minister—and I am skipping a few things that I really had thought of raising—is the letter that was the basis for my question to him in the House today. I seem to have mislaid it at the moment. There was a column in the Toronto Sun that I found fascinating, in terms of the issue that I had raised earlier: plant closures and the increasing numbers of plant closures in Ontario, and the question of jobs and of overtime that is being worked.

I know the minister will be having his staff dig the letter up for him from Local 1005, if he has not received it already. I think, quite frankly, it is devastating, in terms of the arguments and the charges we have been making about lack of enforcement, lack of prosecution. I do not know how you answer a letter like this. This is a letter from the president of Local 1005. I am going to read it into the record. It was sent to the minister, but copies went to other people. It simply says: "November 26, 1987"—

**Mr. Black:** On a point of order, Madam Chairman: It was my understanding we were here to consider the estimates of the Ministry of Labour. We have been talking about correspondence to the Minister of Industry, Trade and Technology (Mr. Kwinter).

1650

**Mr. Mackenzie:** This one is to—

**Mr. Black:** If I may finish, we have reviewed most of the questions that have been asked in the Legislature. Are we going to get around to considering the estimates of the Ministry of Labour?

**Madam Chairman:** The minister has no objection to the letter being read in. The discussion at this point is very wide-ranging and free-wheeling, I am told.

**Mr. Mackenzie:** For the record, let me simply point out to the new member that unless they are changing procedures, the procedure in the 12 years I have been here—and I have been the Labour critic for 10 years—is that the minister reads his statement, long or short, and the two opposition critics respond. It is generally seen to be done under the main office vote, if you like, in terms of the estimates.

Once those statements are out of the way and any response to them, you can get into the votes as much as you want. Quite frankly, the votes in the estimates have not become the major issue in the last few years. That probably was not what was intended originally, but that has been the procedure for nine or 10 years now.

If the member has some decision on wanting to change that, let us do it at the start of the procedures and not in the middle. He can respond when he gets his chance, after I have finished.

**Mr. Black:** I am glad there was no tone of condescension in those comments.

**Mr. Mackenzie:** I want to put this letter into the record because I think it does deal directly with some of the things we have been talking about.

"Local 1005 is very concerned about the number of jobs that have been lost at Stelco's Hilton works as a result of the excessive hours of overtime that are being worked in that plant.

"For over two years, this local has been demanding action by the labour standards branch of your ministry. In early 1986, the ministry stated that it had found violations of the hours-of-work regulations at Stelco during the previous year. At that time, the ministry stated that it would not prosecute either Stelco or the workers for the 1985 violations because neither Stelco nor the workers had been previously warned. However, the ministry stated at that time that it would be monitoring the hours worked at Stelco and would be enforcing the regulations in the future.

"After looking at the amount of overtime that has been worked at Stelco in 1986—a large increase over 1985—and the amount worked so far in 1987—an increase over the same period in 1986—it is obvious that this monitoring has not taken place.

"In March 1987, Local 1005 reported well over 100 violations to the employment standards branch that had occurred in the electrical construction department at Hilton works in 1986. After calling the ministry numerous times, the union finally met with George Phillips and other representatives of the employment standards branch on May 29, 1987, in Toronto. At this meeting, the union was told that these alleged violations were not covered by the Labour Standards Act because these workers were part of Stelco's electrical construction crew. The ministry stated that these workers should be under the Construction Act. The local does not agree with this position. It is indeed an unfortunate situation when the ministry allows some workers to work

an 84-hour week while other workers are laid off.

"Also during the meeting, Local 1005 was told that J. I. Case in Hamilton had a large number of hours-of-work violations during 1986 and even though there were a large number of workers on layoff from Case, the ministry would not be laying any charges. What an unfortunate situation!

"We concluded this meeting with an agreement that the local union would pick a department at Hilton works and the ministry would have Stelco give them the complete employment records for each employee in that department for a three- or four-month period in 1987. The union decided on the cold mill for February, March, April and May 1987. In addition to this, the union was to submit a list of individuals that the union felt may be in violation and the ministry would obtain these workers' complete employment records for the past two years. The union sent the ministry a list of 57 names in June 1987.

"On September 2, the local talked to George Phillips from the employment standards branch, who said they had not made much progress but would have something by the end of September. On September 3, the local talked to Mark Krowley, the executive assistant to the director, and complained about the delays on the part of the ministry. The local met with Tony Ricciardi and George Phillips at the Steelworkers hall in Hamilton on September 14. It was the local's understanding at that time that the records we requested would be produced at a meeting at the end of September between Stelco, the union and the ministry.

"At this meeting with Stelco and the ministry, it was the union's opinion that Stelco would not voluntarily co-operate in any way to reduce the excessive overtime at Hilton works, and was unwilling to supply the union or the ministry with any information on hours of work that it was not forced to.

"At the conclusion of this meeting, the union was shocked to learn that the ministry had not yet submitted our list to Stelco." I would like to know the reason for that from the minister. "A list that the ministry had sat on for over three months. The ministry also asked the union at this time if it could reduce the number of names on the list to a few examples. The union gave the ministry a reduced list with the understanding that they would do an immediate investigation on these names and would follow up with our original cold mill request, including the pickle lines which have since been transferred to the plate and strip department, and our list of 57



names with a few additions. This was in the first week of October and the local is still waiting for the results of the immediate investigation.

"Since June there have been workers who have lost their right to be recalled by Stelco and now approximately 400 workers who had been recalled as summer relief have since been laid off. Still the overtime continues and these points have been stressed with the ministry at every opportunity." I have raised questions on additional time, as the minister knows, in the House.

"These workers' livelihoods are being jeopardized by the labour ministry's inaction. The local realizes that the employment standards branch has a large case load and that one of the inspectors in Hamilton was off this past summer with a major illness. This, however, is no excuse for the length of these delays. If the ministry cannot enforce the act with the number of inspectors that it has, then it is time this province considered increasing the number of inspectors.

"The problem of excessive overtime is not peculiar to Stelco and J.I. Case. This and other injustices are taking place in this province and the lack of enforcement of employment standards is becoming a major problem.

"Local 1005 is demanding your action now. There have been too many delays and promises from your ministry."

The letter is signed by Ray Silenzi who, I am sure the minister knows, is president of that local.

To my way of thinking, there has got to be an answer to the delays that are being alleged in that particular letter, because if there is not, then the swamp really is just swallowing up the complaints. We are not only not getting the charges, we are not even getting the investigation, it would seem from that particular letter. I would be very interested in hearing just what the minister has to say on that.

There are a number of other issues that I would like to raise, but so that my colleague in the Tory party and the other members who have raised questions can get on, maybe some of the questions that I have can be fitted into some of the individual votes, which gives us another opportunity, providing there is some appropriateness for those particular votes.

It does not cover all of the things that I would like to have covered, but I think it sets the groundwork. I have talked to the employment standards people here and I think they have even sent out the information I want. I will give you one final example of why I am concerned about

just how close to the jungle we still are in labour relations matters.

I have talked to the employment standards director on this particular letter, but I found it disturbing. It is not the first time that I have had a letter like this. It is just that the fellow put it so accurately.

Actually, it was a letter to Mike Cassidy, the federal member, and a copy was turned over to one of our previous members, Evelyn Gigantes, and a copy to me as well. The letter is very brief and it is the final comment I will make at the moment, but it underlines the concerns that I have for just what kind of protection is there or the people's feelings of protection. It reads as follows:

"This letter refers to the matter that I have discussed with your secretary about Regional Steel Works, 891 Boyd Street in Ottawa. On September 16, 1987, like any other day, I picked up a newspaper, the Ottawa Citizen, and looked in the want ads for employment.

"I came upon an ad that was asking for welders and steelworkers. I called the phone number and inquired about the ad. I told them that I had previous experience in steel works, since it was my profession. At this point I was talking to the secretary. They asked me where my experience originated from and I told them Windsor, Ontario.

"The secretary then asked me if I had ever belonged to a union. I said, 'Yes, of course,' because since Windsor is an auto town, to work you have to belong to a labour union, that is the condition of employment. Right away she then told me that the company does not hire people who have previously belonged to labour unions.

"I paused, then told her I did not work for a union, but belonged to one and that Windsor is a union town. A person does not have much choice. It is a condition, in many cases, of employment.

"She then repeated her last statement, that the company policy is not to hire people who have belonged to unions. I then got frustrated and told her that this was discrimination. She told me to hold the line, probably talked to someone else in her office and then came back on the phone and restated her statement. I told her that I have two kids and a wife and only wanted work. But at this point the conversation ended." The letter goes on to point out that he is on welfare and has been trying to get a job, but that was the reaction he got.

**1700**



We of course advised him that there are sections under the act to deal with a situation like that. I believe—I am not sure—that there may have been the appropriate documents go out to this particular person. I am using it not to say that there is not necessarily some redress in a case like that, but to point out the kind of discrimination that still goes on in Ontario in terms of workers and their right to belong to an organization of their choice or to take part in it, and what that also does to somebody who happens to be on welfare, has a family and is really trying to find a job.

It is pretty devastating to have something like that happen and to find then that you probably have to go to politicians to get an answer. I do not think anybody should have to go to politicians in a situation like that.

I will save some of my other comments for a little later on when we get into some of the individual votes. We will see if anybody else wants a chance to get into it now.

**Mr. McLean:** I am pleased to have the opportunity today to put some remarks on the record with regard to the Ministry of Labour. My colleague and critic for Labour the member for Nipissing (Mr. Harris) is in the Legislature, I understand, dealing with legislation. I am here today to put some of the concerns that I have and some that our party has on the record.

I want to discuss with you, minister, the main concern which is occupational health and safety. It is a very major part of the cost of your ministry. I want to ask you some questions with regard to the worker advisers. I want to ask you some questions with regard to your pay equity staff. I want to put some of them on the record so that your staff will have a chance to get back to me with some answers that we can look at.

First, I want to deal with Bill 79. I received a letter from a constituent that has some good questions in it. I would like to put that on the record to get some replies back:

"A day or two after your appointment to your new position as our new Minister of Labour, Bill 79 was introduced to a large group of individuals representing various activities and disciplines of Ontario industry and services.

"It will be some time before you will be familiar with the details of all statutes written in the past by your predecessors, but I am sure that you are familiar with the legislation affecting WHMIS (workplace hazardous materials information system) and subject matter of Bill 79. It is my hope that this letter to you will focus your attention to laws enacted for purposes of preventing accidental injury and the promotion

of safe practices during the handling and the use of various materials which are or could be damaging.

"I have served industry in Ontario for many years, have formed a joint health and safety committee prior to OSHA requirements and I am still very active in the activities of health and safety and I am concerned with the growing list of regulations. The average worker and employee are finding it increasingly difficult to cope with all the ramifications of the various regulations written for the workplace and are often at a loss what the initial intent of the regulation was (to take away freedoms or gain more government control). Writing styles of appointed bureaucrats hired to write regulations for the workplace have in the past demonstrated indifference to the worker, using terms or language foreign to them.

"You could serve us in the workplace greatly by:

"1. Reviewing existing legislation with your ministry.

"2. Initiating efforts to review other regulatory bodies such as:

"Ministry of the Environment, Dangerous Goods Transportation Act...and Transportation of Dangerous Goods Act including regulation respecting handling, offering for transport and transporting dangerous goods...."

"3. Seek proposals from a task force (worker and industry input) to combine various existing and proposed legislation into meaningful, easily understood language with common sense control. To result in a minimum cost in education and administration to effect compliance in principal to satisfy the law as well as achieving the goal (and it is hoped the intent of legislation) to make the workplace and the environment healthier without jeopardizing Ontario's competitive position in marketplaces in Canada and elsewhere.

"The following are a few examples taken from Bill 79 (amending chapter 321 of the statutes):

"22a(1): What is the maximum amount exempt from reporting (expressed in weight or volume)?

"22a(3): Is the intent of this section to report all additions-deletions to and from this inventory on a daily basis or what is the definition of 'all changes made during the preceding year'?

"22a(7): Will the director seek the employer's compliance regarding the floor plan regarding storage location or location of work processes, also where this harmful physical agent is being used and what penalties are attached to noncompliance when a temporary work station is set up

where a previously described physical agent is being used but the location is not indicated on the floor plan?

"22b(1): What label is expected to be affixed to the container containing hazardous material when such vessel is a small paint-sprayer container downloaded from a bulk container? May the employer use his own discretion to identify or label from inhouse source methods or must the label be the new Ontario official one?"

"22c(1): Please clarify intent. Do inventory and MSD sheets need to be automatically provided to or at the request with valid reason?"

"Has anyone in the ministry given any thought to how much administrative effort is required to make their regulations happen? The production of goods and rendering of services by industry would become a secondary effort. The compliance with regulations and the necessary documentation, its maintenance of records in manual or computer files, would become the primary activity piling India or similar countries with a heavy backlog in outstanding court cases into insignificance. You, sir, could rush a fresh breath of air into the dusty corners of Ontario's bureaucracy and provide us, the members of health and safety teams and employers large and small with the tools to do the job regarding health and safety."

"A person who distributes or supplies, directly or indirectly, or manufactures, produces or designs a thing for use in a workplace that causes, emits or produces a hazardous agent' etc. is hardly clarity of intent, especially in the absence of the ministry's definition of the 'thing,' allowing wide reference from a 'living being' to the other end of 'an idea'....A humorous combination could easily be constructed thus missing the seriousness of initial intent."

"The entire OHSA and regs should be rewritten encompassing all 'materials' regulations from Bill 79 amendments to designated substances, biological and chemical agents including transportation, handling, storing and emergency response regarding health, injury and waste disposal regulation into an easily referenced handbook we could all understand, may it be the ministry's inspectors or individuals or teams of a workplace."

I think this is a very interesting letter and there are some very interesting questions. As I indicated earlier, occupational health and safety in the workplace is one of the major concerns of employers and employees across this province.

I want to deal with workers' compensation in some detail and then I will follow with some of

the other concerns I have raised. The present system of workers' compensation is failing to address the real needs of the worker and failing to be affordable to the businesses that are funding the program. What is evident is a need to study the problems that exist with the employers and employees and devise a system that will accommodate all parties involved in any new program.

In the past, there have been a number of studies looking at ways to modify the system dealing with both old and new problems that arise. The original act was passed in 1915 and has been amended countless times. As a result, it now resembles a house which has been renovated so often its foundation can no longer support itself.

The system as it stands today is too complicated and costly. While rehabilitation and health care costs rise annually, the cost of administration is rising at an equally alarming rate. Employers' contributions to the Workers' Compensation Board are supposed to be helping injured workers get back to work or compensate them for disabilities. The funds should not be used to duplicate administration that already exists in other sectors of government.

#### 1710

Businesses are also struggling to keep up with the rising costs of compensation premiums. Premiums range from 30 cents per \$100 to \$37.50 per \$100 in the mining industry. Many smaller businesses are unable to keep pace with rising costs and the WCB premiums have never taken that into consideration.

Looking at the problems realistically that governments, business and employees are having with the present system, we should be able to come to some conclusions as to what direction we, as a society, should be moving in with workers' compensation.

The original goal of the Workers' Compensation Act was to provide workers with compensation for economic losses they sustained because of injuries which are the direct result of their employment in return for not bringing legal action against an employer. As a result, the fund was to be supported completely by employer contributions. However, advances in medical science and in the technology and materials utilized in the workplace have made it difficult to determine which injuries are a direct result of employment.

For example, does a 50-year-old individual suffer from deteriorating spinal discs because his or her job involves the constant lifting of heavy materials or would the individual have developed



the problem regardless of his or her occupation? Is a worker afflicted with lung cancer because he or she inhaled carcinogenic substances in the workplace or because he or she smoked cigarettes for 25 years? The question has to be addressed, does it matter?

I see the minister is still smoking. I quit just a few months ago.

**Hon. Mr. Sorbara:** You haven't quit. You just stop for a few months.

**Mr. McLean:** You just slow down a bit.

When WCB began, there were 14,750 employers in Ontario and the workers were involved in 17,033 accidents. Last year, according to our statistics, Ontario had 187,000 employers with employees involved in 442,000 work-related accidents, a staggering amount.

During the week of March 9, 1987, the Legislature's standing committee on resources development held hearings on the WCB. The members of the committee heard story after story of workers left unprotected by the board or left waiting for compensation while the WCB split hairs with the Workers' Compensation Appeals Tribunal.

The failure of the system can be looked at from two angles. The first is obvious. We are having to treat or compensate more and more injuries every year and the costs are skyrocketing. Business is unhappy at the price they have to pay and employees are unhappy with the outcome of settlements, the length of time involved in settling and the overall red tape seems to plague everyone.

Second, we have to look at the workplace. Employers who refuse to spend or cannot afford to spend the money to ensure a safe work environment are fueling part of the problem.

The question that has faced government is, where should they put their priorities? Should they increase enforcement of health and safety regulations with the hope that accidents will decrease? Or they should expand the WCB to handle ever-increasing injury claims?

The Canadian Union of Public Employees feels that the WCB and employers "are evading responsibility for job-related death and disease." The WCB has failed to recognize industrial diseases as being a compensable injury. The fear has been that opening up claims to include industrial disease would cause massive increases in the cost of claims.

While the board has struggled with the issue and, at times, tried to ignore it, we have come to the point where we must look at the reality of industrial diseases. In a decade, 1976 to 1986, in

which overall civil service staff decreased by 5.6 per cent, WCB staff increased by 83.2 per cent. If the additional staff hired by the Ministry of Labour to deal exclusively with WCB matters, such as in the Workers' Compensation Appeals Tribunal, office of the workers' adviser and the office of the employers' adviser, the increase is 90.6 per cent.

Recent surveys conducted by a number of our members found that about 99 per cent of businesses are dissatisfied with the WCB and the rate of premiums they have to pay into the system.

A recent survey by the Canadian Federation of Independent Business found that the WCB is the major concern of 41 per cent of its members. Large and small businesses alike have a host of concerns that are not being addressed under the present administration.

Responses included:

"Small businesses with limited staff members are expected to be totally knowledgeable about WCB regulations. Errors experienced are dealt with harshly by WCB."

"There is a real lack of information co-ordination between WCB offices."

"WCB's bookkeeping is atrocious."

"Workers' compensation is becoming a loophole for employees who do not want to work."

"Workers' compensation is costing people jobs in the logging industry because companies would rather use mechanical logging devices."

"Talking to the WCB is like talking to someone with cotton between their ears."

"Employers can no longer take the abuse of ever-increasing premiums due to the abuse of the system by employees and doctors."

Employers say the system is becoming a comprehensive social program rather than just an insurance scheme and that the financial burden has become intolerable.

Businesses are also upset at the fact that premiums for specific industries do not reflect an employer's accident record. Premiums are based solely on the risk of the type of business.

These are some of the real concerns that businesses are raising. The other concern is that the premiums they are paying are escalating at rates well above the rate of inflation. With tight competitive markets, employers in both service industries and manufacturing are having to absorb the large increases. Passing large increases on to the consumer leaves companies in weak competitive positions that can cause bankruptcies.



Business is not against having a compensation program for victims of legitimate injury or death. They simply feel the financial responsibilities have to be shared.

Over the past decade unfunded liability, future payments which the WCB is currently committed to make to workers, has grown by over 1,000 per cent to an amount in excess of \$5 billion. Rates paid by employers are rising so rapidly that many small businesses can no longer afford WCB coverage and are operating without it. Rates paid by employers increased by an average of 35.7 per cent in 1984, 31.5 per cent in 1985 and 15 per cent in 1986. Firms that have accident-free records also faced these increases.

**Hon. Mr. Sorbara:** Are you saying firms are operating without it?

**Mr. McLean:** Some are. I do not know how they can, but that is the indication we have from some of the industries.

**Hon. Mr. Sorbara:** I think we would want information, names and things like that.

**Mr. McLean:** From 1985 to 1986, deaths in the workplace in Ontario have increased 9.3 per cent and the number of injuries increased by almost four per cent. Meanwhile, the legal debate over the right of workers to sue continues. Last fall, the Newfoundland Supreme Court ruled that "by barring the right to sue, the province's Workers' Compensation Act violated the equality provision of the Charter of Rights and Freedoms."

That case is expected to end up in the Supreme Court of Canada. If the original decision stands, the entire concept of no-fault compensation as it exists today will have to be scrapped and employers will have to try to purchase private liability insurance. If employers are forced to purchase such insurance, it is highly unlikely that any employer-funded provincial scheme of workers' compensation will be workable. Some workers would benefit, given the ability to sue; however, many more would be lost in long legal battles with costs that would be prohibitive.

There are many more aspects of the reports that have been received. I was on the committee some time ago when we were looking at and found some controversy and accusations taking place at the Downsview centre. In a recent investigation, the Metropolitan Toronto Police found that while they believed such activities had taken place, they were unable to turn up any evidence that could lead to criminal charges. However, police found that patients felt disillusioned and threatened by the assessment process and this resulted in an inevitable atmosphere of

confrontation and distrust. Recommendations in the police report included tighter security and drug and alcohol education programs.

1720

I want to talk now, briefly, about the bill that was introduced some time ago and about which my colleague Bill Barlow had spoken. The business community had been requesting that the Labour Relations Act be amended so that in addition to the current, card-check method, a secret ballot vote be requested for clarification of a trade union when at least 45 per cent of the employees of a bargaining unit were members of the union. They believe the process of preparing for a vote results in healthy consideration and discussions by those involved concerning the relative merits of being represented.

The introduction of first-contract arbitration into the Ontario Labour Relations Act has added substantially to the need for the amendment. Knowing that, a majority of employees voted to be represented should health employers realize that a newly certified bargaining unit does indeed speak on behalf of the majority. This should help reduce the number of instances requiring first-contract arbitration. In addition, a secret ballot vote would restore equilibrium to a system that can now result in imposed, first agreements without an employer's being satisfied that the majority of employees freely elected to be represented. Secret ballot voting for certification frees individuals from intimidation, coercion or interference by the union or by an employer and at the same time provides the employer with a true measure of his employees' wishes.

I hope the minister will consider this suggestion for reform in the next session. As he will recall, this proposal was brought in last session under Bill 76. The support from the business community was tremendous. Both employees and employers applauded the move to make the system of certifying unions more fair to the employees. I would like to inform the minister that our party is in favour of that and I would hope to see some amendments coming in on that.

I would like to speak briefly on the minister's bill with regard to Sunday shopping. This whole affair on the Sunday shopping issue, the proposed protection of workers who refuse to work on Sundays, is not enforceable. It is an entangled web of legalities, where some are protected some of the time and others are protected none of the time except maybe on December 27, but then again we are not really sure.

The minister told the public that we should protect the rights of workers to say, "I want to

keep my job, but I do not want to work on Sunday." This legislation does nothing to determine who is protected. Why should an employee at Sears be protected and allowed to refuse work on Sunday while a worker at a local garden nursery has to work on Sundays? The fact is that, as of today, the average person on the street does not know whether or not he or she has to work on Sunday. The average person on the street does not know whether it is or is not legal for a store to be open on Sunday or what stores will be open this Sunday as opposed to three Sundays from now.

This is just another example of legislation that is falling apart because of the government's refusal to tackle the issue straight on. This minister continues the tradition that the last minister began by alienating both employees and employers on almost every issue. Maybe the real problem lies with the fact that the ministers have refused to accept the realities of the workforce and the workplace of the 1980s. Studies and more studies get commissioned and sent back. Studies are looked at over and over, but the government refuses to move until crises break out and then it is too late.

I want to ask the minister how many employees there are in the office of the worker adviser since it has been set up? What is the rate of pay for those employees and how many staff, as I said, are involved there? The other concern I have is with regard to the 186 inspectors who have been hired since 1985. What parts of the province have they been delegated to? Is it mainly Metro or is it urban? What rate of pay do those new inspectors receive?

I want to talk further about Bill 51, which I have mentioned, with regard to refusing to work. I know there is a concern in my constituency, as there is in many others. As I have said, people are confused; they are not sure what the law is. I think a clarification would probably be in order to define it more clearly.

I want to ask you about skills upgrading, on page 14 of your statement, which is a \$14-million program. I want to know how many workers over 45 this program has helped, how many have been retrained and what has been the success rate of that program?

The minister indicates that pay equity is going to be on stream very shortly—the first of the year, I believe. He also indicates that there will be pay equity staff hired. I would like to know how much staff is going to be hired and in what positions and what salaries will that staff be paid?

The other part in the estimates is the rehabilitation of injured workers. I find there is a real problem in that area. As I said earlier, I had occasion to tour the workers' compensation rehabilitation facilities at Downsview. I do not know where the problem lies, but there seems to be a need for upgrading and redefinition and a new program put in place so people can come there and be rehabilitated. I have seen all of the gymnastics and all of the different equipment there that they use for rehabilitation, but there appears to me to be something lacking in the form of people feeling at home there or being made welcome there. I do not know. I have talked to injured workers who have been there and they just hate to go back again.

I do not think that is the way it should be. I know it is not the way the minister wants it to be. I think it should be looked at more seriously. We have discussed a commission with regard to looking into the total Workers' Compensation Board. Perhaps that could still be a consideration to commission a study on what is taking place there.

I think that is all I have for now. We will have some specifics when we get into the votes, but as I said, a couple of the concerns I have are with regard to the worker adviser office. Several constituents of mine have gone there who did not feel they did anything for them. They felt the field worker who was dealing with their specific case was far more beneficial than the worker adviser office was. I have yet to talk to anybody who has gone through that system who felt it was any advantage to him. I think maybe a review of that office would be in order to find out if it is being effective, if the people are getting answers. Is there a duplication there? I do not know, but I think there is reason for concern.

I notice the number of prosecutions is up substantially. I also know our labour force is up substantially, but when we have hired 186 or so new inspectors to make sure that the labour force is working in a clean environment, we should have less prosecution and not more. I think the joint committee on work-related injuries should have some answers for some of the questions that have been posed.

**1730**

**Madam Chairman:** Are there any comments that other members of the committee would like to make?

**Mr. Matrondola:** I would like to ask the minister a question whenever the time comes.

**Madam Chairman:** Feel free.



**Mr. Matrundola:** If collective bargaining will be concentrated on some of the major sectors next year, what do you see as the main issue arising in such collective bargaining? More specifically, do you foresee pension indexing as causing serious problems in the bargaining of the near future? Also, can you give us some indication of the longer-term trends in person-days lost as a result of strike and lockout activity in Ontario?

**Hon. Mr. Sorbara:** It is a good question. I will direct some remarks to the first part of the question and save the response to the latter part of it for perhaps the next time that this committee is going to sit and consider the balance of the estimates. I think it is clear that the indexation of pensions, issues relating to occupational health and safety and greater job security are going to be at least three of the items that will characterize negotiations in collective agreement bargaining over the next year and perhaps the next several years. If you look at the exercise among auto workers, you will see an indication of some of the trends.

Madam Chairman, with regard to the procedure that we have used in previous estimates committees that I have been involved in—I acknowledge that they have not been all that many and this is my first time defending the estimates of Labour—with your indulgence and with the agreement of the members of the committee, I will take some time to respond to the comments made by the two opposition critics, if that is all right.

**Madam Chairman:** Mr. Mackenzie, do you wish to speak on that?

**Mr. Mackenzie:** Yes. I have no difficulty with that at all. I do not know what other people are going to raise. We will obviously have somebody in for a little bit on the safety and health matter, which I really have not touched on. The general comments—and this was a point I guess I did not make kindly enough to Mr. Black—really cover a lot of the time that is spent on the individual votes, unless we are going to have some change of procedures. If the minister is going to respond, there are four very short but specific questions. He may want to wait until he has made his few comments now or he may want to catalogue them away, but I would like to get some answers to the four just very brief questions.

**Hon. Mr. Sorbara:** I am at the pleasure of the committee. I would assume that today we are not going to have a great deal of time for questions and answers, but I would expect that Mr.

Mackenzie might have not only four questions, but a number of very specific questions that I would be pleased to answer to the best of my ability and have, with the assistance of officials, very detailed answers for him.

**Mr. Mackenzie:** Three of them came up as a result of some of the questions that were here and one that I forgot to put on the list, but they are specifically questions, not editorial comments.

**Hon. Mr. Sorbara:** Are they questions that you would like to put on the record now for consideration so we could bring back officials.

**Mr. Mackenzie:** It might be easier so we can bring them back. They are very short. It is entirely up to you.

**Madam Chairman:** Put them on the table and then they can be dealt with in the future.

**Mr. Mackenzie:** Okay. One is in response to my Conservative colleague's question about imposed first agreements. I would like to know how many imposed first agreements we have had in the last year. It is not my perception that there have been many, but I could be wrong on that.

**Hon. Mr. Sorbara:** That is under the first contract legislation.

**Mr. Mackenzie:** Yes. I did not put it on my list, but I would like to get the minister's response as to whether he has any plans whatsoever in terms of any increases in the minimum wage in this province over and above the yearly sort of indexing arrangement we have. I have two other questions, because they do directly involve constituency cases coming into our office.

One is the Workers' Compensation Board worker advisers. I have recently had a couple of serious cases where the response from the Hamilton office—and we get good co-operation from the worker adviser office in Hamilton—was that it would be six months before they could even set up an appointment for somebody who had a serious problem. I think others have had that kind of response as well. I would like to know what the time frame is in terms of even getting an appointment, as well as the results of an investigation.

I would like the same thing in terms of the employment standards branch. Are they finding it increasingly difficult to deal with the volume of queries they get and what is the average time frame in responding to them? Those are more specific, but I just wanted them on the record.

**Madam Chairman:** Mr. Daigeler indicated that he would like to comment.



**Mr. Daigeler:** Just a comment before the minister responding to questions or comments from the opposition members. I would like to make some congratulatory remarks at least at the beginning here. First of all, for us, this is a new experience and we are learning a little bit on how the procedure is, but I did have the opportunity very shortly after the election, to visit the eastern office of the Workers' Compensation Board, which is now located in Ottawa.

I want to congratulate the ministry for having that office now for that area in Ottawa. I was very impressed with the setup of the office and with the reception I received. I look forward to good co-operation with the people there. I want to say so far so good for that and I am pleased to see that, especially in the Ottawa area.

**Madam Chairman:** Any other comments from members at this point?

**Hon. Mr. Sorbara:** Let us start off with those congratulatory comments. That is always a nice place to start. The implementation of the decentralization of the activity of the board, obviously, was undertaken by the board under a previous minister, and there certainly is no way in which I would expect to reap any of the goodwill benefit for that. I think it was timely and appropriate and, frankly, I am delighted that process is well under way because it brings the service closer to the people who most need it. If you are congratulating anyone, it would be the board and my predecessor.

If I may, I will make some, hopefully, rather brief responses to the comments made, first of all, by the New Democratic critic. I begin by saying I enjoyed his comments and his analysis. It is easy to see that he has been one of the Labour critics within his party for 10 or 12 years. I am not surprised to hear, although I heard it for the first time here, that he has been involved in the business of union organizing and labour issues for a good part of his life.

Actually, when as a minister responsible for a ministry for the past two and half months, I compare my experience with the detail of these issues and the experience with which my friend the critic of the New Democratic Party has had, one can understand—and I hope my friend will understand—that sometimes, if he feels a degree of frustration, particularly in the context of the question period, that I am not giving as thorough, as precise and as detailed an answer as he would like, he should accept the fact that any human being taking over ministerial responsibilities in the first three months is not going to be in a position within those responsibilities sometimes

to provide the most thorough of responses in that context.

Frankly, I am not quite satisfied with the kind of dialogue that we have developed during that all-important part of our work in the Legislature and I hope over a period of time critics from both the other parties, and all of us, will feel a higher degree of satisfaction.

I say that realizing that there is a political aspect to this that will always characterize our relationship there. Mr. Mackenzie referred to the Ministry of Labour, going beyond policies to the ministry, and used a metaphor which had come into some common usage during the last parliament, and that is a reference to the ministry as a swamp.

**1740**

I categorically reject the image and the metaphor. If there is one thing that I have learned in my two-and-a-half months within the ministry, it is that I, as minister, and the people of Ontario are well served by a ministry of some—the deputy will correct me here if I am wrong—1,400 people who work very hard at their jobs, and are dedicated to enforcement of the law and to bringing about a regime within the province that is characterized by the very highest standards.

I do not suspect that I will ever become perfect at my work nor do I expect that anyone in the ministry will ever become perfect at their work, but in my first few months, I have seen a sense of dedication, a sense of commitment and a sense of hard work, that I think reflects well anywhere in government.

I also see a ministry that is undergoing very substantial changes not only in personnel but in its sense of the agenda for the future. I think it is in part the fact that we have had an election and a change of minister that my friend Mr. Mackenzie would be a little bit disappointed to see that certain matters that may well have come before the assembly or resolutions of some matters have not happened more quickly. But I tell him that I have every bit as much confidence in the public service working in the Ministry of Labour as I have had in any other ministry that I have had experience with, not only as minister but in my two-and-a-half years in government.

The people that he refers to when he talks about ordinary working people, I will tell him that there are ordinary working people working very hard to try to do a good job and are doing what I consider to be a very good job within the Ministry of Labour. As I said, we have a lot more to do. There is always much more to do, and I

hope, particularly during this period of—what do the bureaucrats call majority governments?—four years of something or other.

**Mr. Mahoney:** Bliss.

**Interjection:** Pleasure.

**Hon. Mr. Sorbara:** I cannot remember it. I am sorry. It is too late in the day and I got up too early this morning.

**Mr. Mackenzie:** I suggest you are inviting a response that might not be the best. I have experienced both minority and majority and let me tell you, minority was a hell of a lot better.

**Hon. Mr. Sorbara:** In many respects. Obviously, there are great things about minority governments. There are great things about majority governments. There are risks under each situation. This is my first experience with majority government and I do not sense that the job of the Minister of Labour is going to be any easier under majority government, but I think and I would expect that, particularly in our first couple of years, before we start thinking about the politics of the next campaign, that there could be at least some reduction of the rhetoric and some better co-operation among all the parties represented in the House towards a common agenda, and I think there is a lot of common ground, notwithstanding, that we at some times will take fairly significantly different views on particular issues.

I am not sure what style my predecessor used, but I want to tell critics from both of the parties—ones who are here and ones who are not here—that I would hope we could establish a regime whereby we feel comfortable with consulting one another, that an issue or concern can be at least flagged with me not only in question period but with the benefit of a telephone call.

I certainly do not have all the answers. My ministry officials do not have all the answers and in some cases, there are no answers. But I think if we can begin at least with the understanding that, as minister, I fully intend and want to co-operate and consult with the members of the House but, particularly, the critics. That would be a good thing.

Mr. Mackenzie raised a number of concerns. He identified a number of concerns which he said are of importance to workers, including the issues of pay equity, pension indexing, plant closures, hours of work, protection of workers in bankruptcies, antiscab legislation and the trend towards part-time workers. I think there are more, but I just want to deal with a few of these.

Let us start with pay equity. The legislation, as it has been said on other occasions, is historic legislation. It will be a challenging exercise to implement this legislation over the course of the next five years. I am satisfied that we have effectively begun; that the machinery within government is now being put into place. I tell my friends on the committee that I am delighted that Beth Symes has agreed to step away from a very successful law practice and head the pay equity tribunal. This will be an important body because some challenging questions of fact and law, probably questions that have never been put to any tribunal before, will have to be considered by this tribunal.

The fact that Ms. Symes has agreed to undertake being the head of the tribunal speaks for itself. She is a person who is intimately familiar with the issues, with the act itself, and with the environment within which the act is going to have to be put into place.

There were a few questions raised by the Progressive Conservative critic on pay equity. What I propose, Madam Chairman, is that at the next sitting of this committee perhaps we could have Dr. George Podrebarac, who is the pay equity commissioner, come in and answer some of these questions more specifically, including questions of staffing and the like.

Pension indexing, as I said to Mr. Matrundola, is a very serious issue. I am not sure if this is because we as a society are getting older, or because as a society we are developing a greater sense of the need to provide for our nonworking years, or if these are the reasons why it has become a more pressing issue. But I think all of us can agree that it has.

On plant closures, I think that we can get into some more statistics during the period of questioning. Obviously Bill 85 is not going the entire way that certainly the New Democratic Party would have wanted it to go. But I feel, looking at legislation that exists elsewhere in Canada, that Bill 85 is historic legislation and very timely.

One of the concerns that Mr. Mackenzie raised was on plant closures and industrial restructuring within the context of a free-trade agreement. These are very challenging issues. I do not think any of us have the magic answer. I think the matters that he pointed out, including the possibility of branch plants within Canada being closed and the Canadian market being served by facilities south of the border, are very real issues. Whether or not we have a free-trade agreement perhaps becomes less of an immediate concern



than whether the federal government should enter into an agreement which, as all of you know, the government feels is fundamentally flawed and fundamentally a bad deal for Canada.

Nevertheless, whether or not we are contemplating entering into that agreement, or whether or not we have a very high percentage of branch plants within the Ontario and the Canadian economies, generally, I think it is safe to say that over the next 15 or 20 years there will be a very significant degree of industrial restructuring as a result of technological change, as a result of changing world markets and as a result of the changing nature of the workplace and the approach of the workers of this province towards the workplace.

**1750**

Once again, these are not issues that anyone anywhere has comprehensive answers to. I think it is our obligation to ensure that the restructuring process is undertaken in an environment that ensures that as some plants will close, more will open.

It is easy to say we should bring in legislation justifying plant closure as stringent as Mr. Mackenzie and his party would have liked. I think we also have to look at creating a context where investors will come to open new plants. I know he would argue strenuously against that theory in considering justification legislation, but I believe we have to create an economic context which helps us get over that restructuring. I believe we have to be among the leaders in legislation applying to the workplace and to the working people of the province. If you look at the statistics over the past year or year and a half, I think you will find that although we have had a fair number of plant closures, we have had a dramatic increase in employment.

He suggested that there was a growing and disturbing trend towards part-time employment. There has been that trend. It is a trend that some people say is entirely unacceptable. Others would find that it accommodates the changing nature of the way in which people approach the workplace. I just say to him that there is an apparent declining approach to part-time work. I point out that in 1986 part-time employment in Ontario was up only 1.9 per cent over 1985, but full-time employment increased by 3.7 per cent.

He mentioned the question of protection in bankruptcies. That is something we have talked about during question period as well. I am not sure it will entirely satisfy the question or the issue to point out once again that bankruptcy, in particular, is a federal responsibility and would

be more appropriately handled as a national issue.

If the federal government were being proactive in this area and came to me as Minister of Labour or any of my colleagues in government and said, "We want your full co-operation because we are about to bring this in," that would be great for the entire country and for Ontario.

I agree that if there is an absence of political will to operate, a clear absence of political will to take action in Ottawa, then it may well be—and I know you have heard this before—that the only approach is for Ontario to do something. I think we will have to continue the exercise, though, and continue to apply pressure to the federal government to take some national action.

I understand in fact that discussions were going on with Ottawa as recently as yesterday. Frankly, I do not expect anything dramatic to happen between now and the next federal election. But it is something, particularly given the division of constitutional responsibilities, that would be extremely timely on a national basis, just as, in the environment of free trade discussions, a national strategy for labour adjustment would be.

I have said before and I say again that it is absolutely distressing to hear, both publicly and privately, what you hear coming from Ottawa in terms of labour adjustment and training.

**Mr. Mackenzie:** If I can ask the minister on that point, because I think it is important, we did have, or at least most of us thought we finally had a commitment. I am going back a couple of years now.

The minister is right. This has been on the plate for 10 years that I have been involved with it in terms of workers and bankruptcy and the like. Always, the question has been the need for federal legislation. I do not deny the merits of the argument you are making, but we finally had ministers of labour coming to the point where they were telling us clearly that if the feds were not prepared to move, they finally were. All of a sudden that seems to die.

I guess what I am asking the minister directly is, have we reached that point again that we are not going to make a move on our own?

**Hon. Mr. Sorbara:** I am sorry, that we are not willing to move on our own?

**Mr. Mackenzie:** That is right.

**Hon. Mr. Sorbara:** No, Bob, we are not at that point at all. If there is any hesitancy in my voice, it is simply because it has not been one of the issues that I have been tracking down diligently in the first three months. I have said to

officials within the ministry and publicly, "My God, there needs to be greater protection for wages for people who are faced with a company which is going into receivership or being petitioned into bankruptcy." As a personal matter, I feel that.

There is work ongoing within the ministry. You and I know now—you knew before, I know now—about the exercise that Don Brown had undertaken. I think, though, without having investigated it thoroughly, the ability of Ontario to act alone is fraught with difficulties. If there is any sense that we can get some concerted federal action, obviously that is something we would all prefer, but I tell him now, and I tell the other members of the committee, I personally am very concerned and we will be continuing to work on that, hopefully with more input and concentration and attention from me than there has been in the past.

I see it is getting towards six o'clock. I will just check my notes to see if there is anything else I wanted to put on the record in my response right now.

There is, I see. Because Mr. Mackenzie read into the record the letter from Ray Silenzi concerning the issue of overtime at Stelco Hilton works, I will just tell him that although the letter was dated November 26, the letter was received

in my office only yesterday. Obviously, we will be responding to it. That does not respond to all of the issues that are raised by the letter. I hope and I expect that probably during the course of these estimates we will deal with some of those issues.

As it is approaching six o'clock, Madam Chairman, we may want to adjourn. I do not have too many more comments in responding to the comments by the two opposition critics, but those that I do have I can save for the next round.

**Madam Chairman:** Thank you. This has been very interesting for me in my first estimates.

**Hon. Mr. Sorbara:** For all of us.

**Madam Chairman:** It is very much a learning process.

The one item I would like to deal with before we adjourn today's meeting is that the next meeting is scheduled for 10 a.m. next Thursday morning. It is not scheduled for the afternoon because it is the last day of the session and there are some members who may wish to get away to their ridings or whatever. If I could have your concurrence, we will meet in the morning next week.

The committee adjourned at 5:58 p.m.



CONTENTS

Thursday, December 10, 1987

<b>Estimates, Ministry of Labour</b> .....	G-3
<b>Opening statements:</b>	
Hon. Mr. Sorbara .....	G-3
Mr. Mackenzie .....	G-7
Mr. McLean .....	G-18
<b>Adjournment</b> .....	G-27

STANDING COMMITTEE ON GENERAL GOVERNMENT

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 Ray, Michael C. (Windsor-Walkerville L)

**Substitution:**  
 Mackenzie, Bob (Hamilton East NDP) for Ms. Bryden

**Clerk:** Deller, Deborah

**Witness:**  
**From the Ministry of Labour:**  
 Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)



No. G-2

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Labour

**First Session, 34th Parliament**  
Thursday, December 17, 1987

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, December 17, 1987

The committee met at 10:09 a.m. in room 228.

### ESTIMATES, MINISTRY OF LABOUR (continued)

**Madam Chairman:** When we left off, the minister was responding to the comments from Mr. Mackenzie. I think it is appropriate that he continue with that.

**Hon. Mr. Sorbara:** Thank you, Madam Chairman. I am going to try to keep my remarks as brief as possible, but I thought I would take the opportunity to respond to issues raised by the member for Hamilton East (Mr. Mackenzie) as well as Mr. McLean, the member for—Simcoe East. I still do not have all of that down yet. There are some who can just do it without any difficulty.

Let me begin with some questions in the area of industrial relations. These matters were brought up by Mr. Mackenzie, who brought up a number of issues respecting the Labour Relations Act, including the requirement for separate bargaining units for security personnel.

As members of the committee will know, security personnel are excluded from the bargaining process under the Labour Relations Act. He also brought up the current limitation of the rights of employers to hire replacement workers. He brought up the issue of the elimination of petitions and certification votes, and the protection for agricultural workers under the Ontario Labour Relations Act.

As some of you will know, my predecessor made a commitment for a thorough review of the Crown Employees Collective Bargaining Act. We are now engaged in extensive consultation with unions and employers to that end.

Similarly, we are undertaking a complete examination of the Hospital Labour Disputes Arbitration Act, fondly known as HLDA. I guess that is all right still, for it to be known as Hilda. Ask Orland French, do not ask me; he is the one who is making the comments these days.

We have received the briefs from a number of interested parties, and we are about to begin a consultative process on possible reforms of this act.

In addition, we are reviewing the employment standards and workers' compensation statutes. When these reviews have been completed, we

will turn our attention to the Labour Relations Act. When that occurs, I think a number of the questions Mr. Mackenzie raised will certainly be among those areas that we are going to be considering.

I took a few comments under the Employment Standards Act. Again, Mr. Mackenzie has, as you know, introduced a number of bills to change the Employment Standards Act and bring about amendments. We are obviously undertaking a comprehensive review and obviously looking at those bills. They are not really new bills for this House, because they have been introduced in previous parliaments.

Consideration of the changes to the Employment Standards Act, such as proposed by Mr. Mackenzie, regarding hours of work, overtime provisions and public holidays will, as I have said, form part of that review.

We are currently consulting with industry and trade unions regarding phase one of the Donner task force report on hours of work and overtime recommendations. We expect that phase two of the report will be available early in the new year. Phase two deals with specific groups, including domestic workers and construction workers, who are currently covered with specific exemptions under the Employment Standards Act. Truckers, I think, are involved in that second-phase report, and one other group that does not come to my mind at the moment.

We are going to begin consultations in the new year regarding permanent legislation for retail workers who do not currently work on Sundays. A commitment was made by me a few weeks ago in the House, and in conjunction with an announcement made by the Solicitor General (Mrs. Smith) on the subject of the Retail Business Holidays Act.

We are also looking forward to the report of the review of Ontario social assistance policies and programs which will likely address minimum income issues, including the role of minimum wages currently provided for under the Employment Standards Act.

Mr. Mackenzie also raised concerns about the employment standards branch response to complaints. I want to point out that, during the fiscal year of 1987-88—that is, the current fiscal year—to date 57 per cent of complaints have been

resolved within 60 days of those complaints being raised with employment standards officers around the province.

The members will be interested to know that telephone inquiries are up by about 14 per cent. The total to date is approximately 71,000.

#### 1020

The question was asked again by Mr. Mackenzie as to what the government was doing about employment prospects for disabled persons. We have already made a commitment to improving the re-employment rights of injured workers and will be bringing forth proposals in the new year.

As well, within the ministry there is a program for handicapped workers, known as the handicapped employment program. That program has been actively working with Ontario employers to increase employment opportunities; I will just provide a couple of examples. It has provided employment counselling service to over 300 employer clients. It has been active in community development for disabled employment in 15 communities. It has also undertaken initiatives to increase the numbers of disabled people who are actively and fully participating in the workforce.

There is within that program as well a special program to provide employment for disabled summer students and to provide work experience for summer students who suffer from one disability or another. The government itself is striving to hire more disabled persons right within its own ranks.

The next area that I think it is appropriate to respond to is in the area of plant closures. The question was raised here in this committee, as it has been raised a number of times in the House by Mr. Mackenzie, as to why the government did not require employers to justify plant closures before permitting them to shut down.

In our view, Bill 85, which was introduced and passed in the last parliament, resulted in Ontario having the most progressive legislation on plant closures in North America. Ontario, as you will know, is still the only province that requires the payment of severance pay. It is the first North American jurisdiction to require disclosure of circumstances surrounding layoffs. Ontario's employment growth, by the way—the growth rate over the past three years—is at about 10.8 per cent. It is interesting that only California and North Carolina have done better than that.

Mr. Mackenzie expressed concern over the re-employment of displaced workers. I respond to that by saying that the Ontario government is the only provincial government or state government on the continent that is operating a

counselling program specifically directed towards the re-employment and the re-employability of displaced workers. More than 1,000 of the 1,300 workers at the Firestone facility in Hamilton have already utilized the program in their re-employment efforts.

I have just a few remarks now in the area of occupational health and safety. I was asked by Mr. Mackenzie about the recruitment criteria for the hiring of construction inspectors. I point out that the selection criteria for recently hired construction inspectors include the following: construction experience, supervision experience, hazard training and experience, inspection and investigation experience, trades training and post-secondary education, industrial relations experience and communication skills. Of a group of 19 inspectors recently hired, five hold trade certificates, five have engineering degrees and nine are certified engineering technologists.

The question was asked as to whether or not construction accidents are up during this year. The number of construction accidents, unfortunately, is greater this year than last by some 10 per cent, but we have to colour those figures by pointing out at the same time that the volume of construction is up by some 20 per cent, and the construction workforce is up by some 15 per cent. The accident frequency in those terms is actually down somewhat.

The question was also raised as to why construction prosecutions were down this year. The number of total construction prosecutions is down this year for a number of reasons, including the fact that the number of worker citations during the first nine months dropped from 163 in 1986 to 19 in 1987. While the overall rate for recommended prosecutions for all offences under the act is down somewhat from 1986 to 1987, it is estimated that it will exceed some 600 cases.

A few comments on WHMIS, that is the workplace hazardous materials information system. The question was asked by Mr. McLean as to the problem that the community right-to-know provisions in Bill 79 might bring about. He asked whether the community right-to-know provisions were practical. I am aware of the concerns of public authorities and employers about the practicability of some of the provisions regarding inventories.

#### 1020

Concern has arisen as a result of committee amendments during the House consideration of Bill 79. We are reviewing those provisions as part of a review of the entire act. As I mentioned



in my statement at the outset of these estimates hearings, that act comes into force in October of next year.

We have established a labour-management committee to assist the ministry in developing the regulations, which will be promulgated pursuant to Bill 79. We expect to have those regulations ready by spring.

I have some comments on the Workers' Compensation Board and the system as a whole. As I indicated last Thursday, I am going to leave a more thorough review of workers' compensation issues until consideration of the annual report by a committee of the House, but Mr. Mackenzie raised a number of concerns about WCB policy with respect to gold miners suffering from lung cancer.

I am informed, and advise this committee, that the policy as it stands is an interim policy. The first phase of the board's review of a very large issue is in place. The permanent policy is going to the WCB board of directors in January and the interim policy is based on a weighted measure of exposure, which takes into account improving mining conditions over the years. The interim policy does not require the presence of clinical silicosis for compensation. As I said, the WCB issues can be more fully discussed during consideration of the annual report.

Mr. McLean pointed out that some firms are now not registering with WCB. I am informed by the board that the WCB is working with the Ministry of Consumer and Commercial Relations and other government agencies to track down delinquents. When a worker is injured, the WCB pays the benefits and gets reimbursement from the employer, but it is clear from my perspective, and I am sure from the board's perspective, that a better system is needed to ensure that every employer is paying every cent of assessment that is required under the act.

Finally, to respond to questions by Mr. McLean as to the distribution of worker advisers in the office of the worker adviser, in northern Ontario there are some 13 worker advisers located in four communities. Ottawa, Kitchener and London each has three. Windsor has six currently working as worker advisers. In Metropolitan Toronto, there are nine, and in the western Hamilton area there are 12. These are advocates classified as community development officer 3s—whatever that means in bureaucratese—with salary ranges between \$35,900 and \$42,240.

Finally, Mr. McLean raised a number of questions regarding the staffing of the Pay Equity

Commission. I thought it would be appropriate for the benefit of members of this committee and for the estimates process to ask George Podrebarac to present as thorough an analysis as time will permit during these estimates as to how the staffing of the Pay Equity Commission is proceeding, what the structure will look like and, in short, how we plan to implement, both from a staffing point of view and from a Pay Equity Commission point of view, what the Pay Equity Commission will look like as it comes into being.

I think this is appropriate because the legislation, having been passed by the last parliament, is to be proclaimed as of January 1. It is our intention to ensure that by that time we have the framework and the organization ready and able to assist the province in implementing pay equity. Perhaps I could, with your indulgence, Madam Chairman, and the indulgence of members of the committee, introduce Dr. George Podrebarac, who is Ontario's pay equity commissioner.

Just as Dr. Podrebarac is getting set up, I think I said during my response that security personnel are excluded from the bargaining process. They are not excluded from the bargaining process but are required to have separate bargaining units for their co-workers. That is one of the areas Mr. Mackenzie brought up. It is one of the areas we will be looking at as we move to a more comprehensive review of the Ontario Labour Relations Act.

### 1030

On vote 2101, ministry administration program; item 1, main office:

**Dr. Podrebarac:** I welcome the opportunity to visit with the committee. I am delighted that a question was raised about our structure, our size and our cost as against the mandate.

What I would like to do—I will try to be as brief as possible—is try to share three things with you. First, I would like to talk a little bit about the objectives as I see them at this point. Second, I would like to look at the structure. Third, I would like to focus on some of the budgetary implications. In order to do that, I brought along a few visuals. I will not be flashing many of them but I think several of these will at least give you the overview with which we are working. I will try to focus on two of the major objectives.

In terms of the Pay Equity Commission itself, we have a dual structure, as many of you know: the pay equity office and the Pay Equity Hearings Tribunal.

With respect to the pay equity office, we are going to be spending considerable time in terms of the achievement of the pay equity intention. In

order to simplify it, there are three major emphases that we will get. One, we want to resolve policy issues, but with respect to the policy issues we are finding in our discussions with employers and employees that there are areas people are saying they would like to have clarified. We hope to issue materials that will clarify them. Therefore, there is an emphasis on policy.

Once those are clarified, we are finding there is a major need for education. The consumers, the employers and employees out there, in our view are not clear enough as to the intention. We want to organize ourselves in such a way as to give as much information as we can in as short a period of time as we can in order to have people achieve the pay equity area.

The conciliation aspect is in the area of review officers, who unfortunately, I must say, are commonly referred to out there as the pay police. I think that image should change. We hope we will change that image through education. We see them as a group of people who will be "people people," who will be organized to work with the parties in order for them to reach mutually agreed-to situations or plans.

From the point of view of the pay equity office, the heavy emphasis, the strength of the legislation is that it should be self-managed; that is, employers and employees should be working out problems, with employers in nonunionized settings being able to provide the leadership we would like for those employees. As you know, some 1.2 million or 1.3 million women in the work force are in nonunionized settings; the majority seems to fall there. We think with the pay equity emphasis on these three areas, we should be able to achieve that with some success.

Dealing with the compliance aspect, the hearings tribunal is the area where the adjudicative function rests. Where there have not been agreements reached in the self-managed process, it determines the final disposition of the matter. Let me take that and parallel it with what I see as an organization to match those objectives.

My role is to be commissioner of the pay equity office. I am also the chief administrative officer for all aspects of the pay equity office as well as the hearings tribunal. The hearings tribunal will be independent. I will provide all parties with the necessary support, arrangements, financial matters and so forth; we hope to have that installed. We have now moved from temporary facilities at 10 King Street East. We moved last night—I avoided it—to the new location at 150 Eglinton Avenue East. We are on

the fifth floor. We have much better facilities now. We will have the tribunal set up right with us for the moment. We will have new phone numbers and we will try to get that out as soon as possible so the people out there, who are asking many questions, can get at us and hopefully get the answers.

To organize that as commissioner, over the pay equity office only, coming back to what I said earlier about policy clarification, we will have a director of policy and research. The question is how we staff this. We made a strong commitment to try to involve the parties in this process. I am delighted to say that I have hired the director of policy and research. This will all go out officially in a newsletter shortly. The agreement has been reached. I have Ken Godevenos, who is a senior manager in Ontario Hydro. He has been a labour relations expert, compensation expert, job evaluation expert, human resources manager and has been seconded to us for two years to help us in this area.

As you also know, in the newspaper earlier you saw an advertisement, "Wanted! We want policy analysts as well as senior policy advisers. I should say to you that the competition closed on December 11. There was an overwhelming response. We are delighted.

I should also say to you that as I have been moving about the province, meeting with a variety of people, I have asked them to think about deploying people to work with us on a secondment basis, on a contractual basis. I am a firm believer that if we have the proper mix of people in the development of these policy guidelines, people who are in the real situations, we will be able to respond with real policies that have a chance for implementation. I am optimistic that will happen.

When the director arrives—officially, he will be there January 4—he in turn will begin to recruit accordingly. We will hire full-time in the public service as well as on contract. You may have noticed the salary ranges. If you did not see that ad, I have a few extra here that may be of interest to you.

The area of director of education information: I am very concerned about this area as to the need I am finding. We have run a number of focus groups where we have brought women in—in the north, in the south, in the east and in the west—and we have brought in human resources experts as well. I have been spending many evenings behind the two-way glass listening to the people talk about pay equity. I have not been encouraged by their understanding of pay equity



compared to employment equity, compared to equal work for equal value, etc. It is not very clear. Many of them are not clear about the kind of compensation they will be receiving. Many of them are questioning the gap. There is a real need for clear education to clarify this in order that we can say we have met our mandate.

I am delighted that we have been able to recruit a new director. She is off on a well-earned vacation now. We have hired Wendy Cuthbertson, who has been the major education director for Bob White of the Canadian Auto Workers group. Wendy will be joining us full-time on January 4. She will be joining the Ontario public service, so her appointment will be to the public service of Ontario and we are delighted to have Wendy join us.

We had a marvellous experience with Wendy yesterday afternoon. We took some interesting policy concepts and were trying to run them by her, saying: "They must be in English. They must be clear in order for people to be able to interpret and put this into place." I am optimistic that the kind of material we will generate will do that. We are delighted with her appointment.

We have a position of director of review services. As of yesterday morning, thanks to some of my colleagues in the Ministry of Labour and to the minister, we have appointed Murray Lapp. Murray Lapp is the senior mediator in the Ministry of Labour. I underline the word "mediator." We are not about to hire and recruit and deploy police. We want people to go out and work with the parties to reach agreements. I am optimistic that with Murray's leadership and the response we have had to the ads, we will have a very fine group of people to solve problems, to give helpful hints. I think they will be consultative. They will be strong in mediation and conciliation and I hope they will minimize confrontation. I am optimistic about that.

#### 1040

We have a general manager. Again, we will recruit this person, and have recruited her, Sandra Walsh, from the Ministry of Labour. We are very strong about not wanting to create—many people have accused me already of being committed to creating—a big, bloated bureaucracy. I assure you that is not my intention. The general manager has been hired from the Ministry of Labour, from its human resources inventory of potential people for executive leadership. From the developmental inventory, we have Sandra Walsh. She will be our interface with the Ministry of Labour. We do not want to have a strong or large financial and

administrative division. We think we can use extant resources to support us in our work, so we want to keep that small.

In total, what do we have for staffing? Let me show you one more slide and then we can put that back together.

With respect to the tribunal, at the moment what we have is the chair. As I think you have seen in the press release last week from the Premier (Mr. Peterson) and the minister, Beth Symes has been appointed to the chair. Beth is going to be giving up her partnership in her legal firm and we are absolutely delighted that she will be joining us. Beth will come aboard in January and will hire an alternate chair and four, at the moment, part-time members. It will be a tripartite sort of arrangement, employer and employee representatives.

Again, the response we are getting from people who would like to participate in this has been very encouraging. Hopefully, there will be a solicitor resident therein and she will have some support staff. At the moment, in total, I see approximately 40 to 43 people for the organization.

You should also know our budget at the moment. I can share that with you. The total allocation is some \$2.2 million; salary and wages to the tune of \$861,300 and the direct operating expenditures, as you can see them there, of roughly \$1,394,100. That is a total budget for a full fiscal year.

Much of that is on holdback in the light of the fact that we did not start until early October. I think we will have sufficient funds to build the corporation as I have described it. We will try to keep it minimal in size. Our outreach will be maximized. I am optimistic that the kind of people we deploy will be the kind of people who will move to effectively implement this legislation.

One last comment: The view I am getting at the moment from the people in the field is one of resignation that the law is here now. I have had some considerable discussions with many of the employers who have said: "All right. What does that mean? How will we get this done?" I feel that with a strong focus up front on the education, on the policy clarification, we will enhance implementation. The enhancement of that implementation will come because of the kind of people we employ. My hope is that we will not have to worry about excessive numbers and I assure you that is the attempt I will try to make.

With that, maybe I should pause.



**Madam Chairman:** Thank you, Mr. Podrebarac. I am sure there are some members with questions. At least, I expect there are.

**Mr. McLean:** I want clarification on your budget. It is \$2.2 million, and in about three months there is going to be a lot of activity. Do you anticipate using all of that budget?

**Dr. Podrebarac:** I think much of that is already on holdback. Management Board of Cabinet has more or less said that in all probability I will not need all of that, so I will just expend that portion on the basis of monthly allocations. There is no question at all that I do not have all of that at the moment. That is sort of an annual budget and it will be interesting when we look at next year's budget as to what I might want to have in additional resources. I do not make this plea now for the minister and his eloquence in cabinet, but I might say that with the minister and Mr. Thompson, we have had considerable discussion about ensuring that our activity will be strong, up front with communication, minimizing the supposed failure to reach agreements.

Many people said to me early on—I will not identify the groups—that we can expect the tribunal will be very busy. They have suggested to me that we should have 25 if not 30 people immediately standing by on January 4, because there will be major disagreements in the work sites. I take exception to that because that is not what I am sensing. On the other hand I feel, and I cite that, Mr. McLean, that where the resources are going to be required, I will make a plea for additional resources, but at the same time I do not want excessive resources. My hope is that with the lean starting point for the tribunal, many of the staff who will be there, as I have said to some audiences, will be like the Maytag repairman, waiting and waiting. My hope is that we can do some good strong work up front. I am not excessively blessed with resources in terms of dollar amounts.

**Mrs. Marland:** Would it be possible to get copies of your overheads, with the names attached in the boxes?

**Dr. Podrebarac:** I would be delighted to do that. We have a press release coming shortly and we will make sure you all get that. There will be some additional background on all the people appointed. I would be delighted.

**Mrs. Marland:** Someone very kindly passed me a copy of some of the advertisements for the placements that you had at the end of November. I am rather pleased to notice that you are not

making bilingualism a requirement for those positions. I notice that is a difference—there is one position here that says perhaps an ability to speak other languages is a qualification for the position—from so many of the positions that are advertised today for employment with government-related commissions and the government itself.

**Dr. Podrebarac:** Just to respond, I think it is important that I cite to you the responses we are getting. I am encouraged with the number of francophone applicants in a variety of those locations. I am also encouraged by the number of candidates who hold bilingual capability. I have a serious commitment to that, particularly as we move about. I do not think we want to regionalize at this point, but if we are going to run courses and seminars and sit at the table with partners trying to reach agreements in the French-language designated areas, I should say there is a strong commitment on my part to ensure that when we deploy people to those areas, they will have that linguistic ability. I think it is going to be essential; otherwise, we may not enhance the opportunities for agreements. I would like to be able to staff up with that capability.

**Mrs. Marland:** Was it your decision that you not advertise under that requirement?

**Dr. Podrebarac:** Not really. I think, from our point of view, this is the first cut at it and we just want to see the kind of response we get. Then we can decide where we go from here. Definitely, even if we cannot find the kind of people we need, we should make a serious attempt to do so.

**Mrs. Marland:** Is it your responsibility or that of another government department? Do you see yourself producing do-it-yourself publications for the whole implementation of pay equity?

**Dr. Podrebarac:** That is a very good question. I see our communications section, with our policy people, preparing a variety of things. One of the things we looked at yesterday with our newly appointed director of communications is something called "Pay Equity Made Easy." I really believe there has to be a kind of fourfold that is going to be readily available in a number of locations so that people can pick it up and at least capture the essence of this complex policy. I think we can get them to understand the basic intention much more clearly than they currently do through pamphlets, brochures, booklets, guidelines and courses.

I must say I worry about the small employer in this province who is asking now, "What am I going to do?" The answer given at the moment is

that the way to solve the problem is to hire a consulting firm which will charge such-and-such. Our hope is that we can demystify this process by deploying people with support materials in a variety of locations so that people can understand their obligations.

**Mrs. Marland:** But you are not going to have enough people for that deployment. That is why I am asking about the publications. I have had calls from all over Mississauga asking, "Are they now going to create a whole new income opportunity for the legal profession and/or the consultants?" As you have just so accurately addressed, the small businessperson cannot afford it.

I have had calls from small and big business organizations saying: "Look, could we just get something in print that would be reasonably straightforward, that we could understand? We cannot afford to hire the consultants and pay the lawyers."

1050

**Dr. Podrebarac:** I have heard that and I think there is some validity to much of that. Our hope is to deploy the kind of people to help those people get on with it, with materials, courses and seminars.

However, I am also concerned that if we do not empower many people to do this properly, because it is right, then we lose out; but I am not sure they should all be with the Pay Equity Commission.

This is not finalized, but I am exploring tentatively—if one considers the human resources available to us in the community colleges of this province, there are currently a number of very qualified people running some rather interesting programs, formally and informally, in this area of equity as well as employment equity—I have talked to the deputy and we are going to be talking to the presidents, and my hope is that we can empower them. I would like to deploy our communications and education force to train trainers, who in turn can get out and start making available right across this province, in Thunder Bay, North Bay, everywhere, meaningful courses which can demystify, and go with support materials.

I think there are many qualified and willing people who would like to be able to do this in addition to the entrepreneurial consultants who are at work in a marvellous way at the moment. I attended a couple of workshops last week where the participants were 400 in number and the fee was \$895. The presentations were all by consultants, who naturally are advertising their skill and naturally are going to recruit accordingly. I want

to get out in another way. I am sensitive to what you have said and hopefully we can deploy in such a way to meet the needs of the majority of people.

**Mrs. Marland:** But can I go back to these people who have called me and tell them the commission will be producing a publication? My little businessman cannot take the day off to go and take the course, or be committed to night courses at a community college. I think the ideas you have just expressed are wonderful for some people, but not for the man who does not have that time or cannot make the investment.

**Dr. Podrebarac:** The answer to that is definitely yes. Further to that, I should say I have had some very interesting discussions with representatives of the Canadian Federation of Independent Business on how we could work with them and their newsletters and so forth to be able to distribute materials. We are trying to work out arrangements with other associations as well to meet the needs of those people, so there will be a variety of publications indeed.

**Mrs. Marland:** Thank you.

**Mr. B. Rae:** Just following up on that question, Dr. Podrebarac, could you tell me how much discussion you have had with the business community itself, in terms of one-on-one meetings with chairmen of companies and with chairmen of organizations like CFIB? Could you give us a sense of whether there is still some of that very visible resistance of a couple of years ago, whether they have now faced reality and are starting to look hard at what it actually means so we will be able to avoid the rather litigious approach, which works in the United States but which I would hope we would not have to repeat here, of going through case by case every time. It is much easier if we can get people on the ground doing it.

**Dr. Podrebarac:** That is a very good point. I have had a number of those meetings, with small and large groups. I have found it most interesting that at meetings in various boardrooms with very senior officials of major corporations and their legal counsel, the legal counsel, in trying to give advice to the officials, were asking questions about policy and my focus on that, but in discussions coming out of that, as one clarified intention, it was clear that there was definitely an acceptance of the fact that the law is there. There is a mellowing. Some are still concerned about the complexity of the process.

Taking that to another level where I have debated it with senior human resources officials



and compensation experts in the major corporations, they in turn have said, "It's interesting how we perceive it, off against what the chief executive officer says." The message was, "As long as the top is extremely supportive, you can be sure we have the capability to comply." The message coming out is very clear. The top has said to me: "Please talk to us. Make sure we understand. Don't give me all of the details. Make sure my people have them in order to be able to implement."

Definitely, I see a greater resignation to the fact that it is there. I see a growing commitment to implement it. I would also say, and some of them have said to me very openly, "George, what we're also saying to you is, don't forget, there is still some resentment out here." I said, "I understand that." But my hope is that by virtue of a strong clarification and educative process, we can still temper that and get them on to see some of the value to this.

Encountering that, I have made some rather interesting interventions with a variety of union folk who, I have found, are trying to ensure that there is dialogue and are looking forward to some meaningful dialogue in order that agreements can be reached. Many people have provided their members with a variety of support materials. Last weekend, I read the Ontario Public Service Employees Union manual. I talked to the president just this week about a rather extensive piece OPSEU has put out to support its people in dialogue with government in a variety of locations. I think the material will be helpful; there are still areas where I think further clarification would enhance it.

I think there is a growing acceptance and a willingness to comply. I feel our opportunity, as a commission, now is to support the employer and the employee in doing it. The dedication is to a support service to allow them to self-manage the process. I am optimistic that will happen.

**Mr. B. Rae:** George, I know this is in a sense beyond your jurisdiction a bit, but one of the issues, of course, all over North America is the question of how this relates to other plans, employment equity plans, affirmative action plans, that kind of thing. Is it your assessment of big and small business that people see the writing on the wall in terms of what the future legal structure is probably going to look like in five or 10 years, depending of course on what happens politically? It could be 15 or 25, 30, 40; anyway, one day.

I am still very young, I have a long way to go. The perspective I have from my reading and

contact with business people is that for those who have a broader policy outlook, there is in a sense a realistic assessment that this is what is coming and they had better get ready for it because there is no getting away from it. Is that a fair description of what you find too?

**Dr. Podrebarac:** I would say that one of the groups I got euchred into—I did not realize there were so many consultants at work. I got a call saying: "Why don't you join us for a discussion? This is a group of large employers, very senior officials, where we have sort of banded ourselves together to share our experiences on employment equity," of which pay equity is a part in their view.

I thought, from my point of view after two weeks, that it would be very beneficial for me, so selfishly, I said yes. Little did I realize I was in a forum that had been arranged by a consulting firm. What I also found out is they had to do this for three days. The first group was 25 people and they said, "You come back tomorrow." There is a fee for all that. In fact, I said at the discussion: "Why don't you phone each other? It might be cheaper." But carrying on, I must say to you that this group of 75 people, and I did go to every one of the sessions, was made up of very enlightened human resources compensation people who are seeing it in a bigger context.

My hope is that with our publications, as Mrs. Marland has raised, we can focus on the progress out there. They tell me I am too optimistic. I said to one of the sessions, "Is there any other way to be?" My hope is that there are many small employers for whom once we can clarify it for them and give them support materials, then even in nonunionized settings, the time line of four and five years need not be. The law does not say you cannot come fast-forward. There is nothing that says they will not come in on year three or year two. I think that when we can clarify for them what this really means, some of the values to be achieved, I am optimistic many will come in earlier.

**1100**

It will take some effort on our part. That is why the organization as I see it now is going to be heavily on the education, policy, clarification and communication side, to build on what I think is a beginning recognition that it is here and they cannot afford to be left behind in some cases. I think we can build on many of the success stories. I am optimistic from that particular group.

**Mr. Mahoney:** Just to expand this a little bit, whenever a new program comes in, along come



buzzwords that seem to confuse people and confuse the issue. "Pay police" is a good example of that.

You have talked about pay equity, employment equity and equal pay for work of equal value. Can you tell me a couple of things: one, how your commission unravels that or brings all of that together, preferably, and two, how you are going to get to the business community? As Margaret pointed out, many of these people cannot take time off work and pay \$800 to go to a seminar, nor should they have to in my view. Are you planning on offering any in-house opportunities where we would actually send someone from the commission into a business? Are you going to the boards of trade and the industrial associations? Can you expand on that?

**Dr. Podrebarac:** They are very good questions. Coming at the last one first, I hope our outreach function will allow us to deploy some of the people to do that, almost on site if we can do it. My worry lies again in the limitation of manpower, but if we can get others to get empowered and knowledgeable, we can do it. I really do not want to hire 300 people. I must say that to you right now. Neither am I presently of the opinion that we should have regional offices all over Ontario. I am conscious of what you are saying and somehow or other I am going to meet that goal, whether directly through myself or by training others to get to them so that we can get closer to the site in order to meet the needs.

With respect to the clarification-of-the-issues question, I really believe Wendy put it very well yesterday afternoon. We gave her three or four major pieces to look at and she just shook her head and said, "You know, this is rather interesting, but it ain't in English." We have to write it.

**Mr. Mahoney:** Was it in French?

**Dr. Podrebarac:** No, it was in gobbledegook. It was the buzzword style. From our point of view, she says: "We are going to have to write this again for the grade 8 level. It has to be simple. It has to be clear. It has to be powerful. It has to be punchy in order that we remove the confusion." It is moving from confusion to clarity that I think will allow us to move to more effective implementation, and commitment will grow. I am conscious of both of those aspects and I am optimistic we can, hopefully, meet that.

**Mr. Mahoney:** Just a short comment: We went through a major employment equity program in the region of Peel. We were one of the first major municipalities to do so. There are 21 members of council of various political stripes. I

suggest the majority of them are more right than left and it became unpopular to be opposed to it, but I am not convinced that they were truly supportive, other than that they did not want to look bad publicly in being opposed to the concept. I am afraid that is still out there. You are absolutely right. It is fair and it is overdue. Hopefully, Bob, it will not take 40 years to bring implementation. I think you have to make sure that the education is not just on the surface. You really have to get through to the conscience of these people to make them understand.

**Dr. Podrebarac:** A very good point.

**Mr. Owen:** I would like a little help as to how it is going to work. It has been partly questioned before me. We are still going through watching what is happening with rent review. The programs were there. Everybody knew how to charge rent. We even had staff, civil servants all across the province, who had been involved with rent problems before. Yet here we have ended up with a situation where they are backlogged, the forms are not in order as to who does what to whom and when and how. Are we going to be going into the same thing here?

They have asked about your budget. What happens if people say: "Yes, we believe in pay equity, but we do not know how this is the same as that. We do not know how this job means that job." Do we appeal to you? If you are only going to be in Toronto, how is something resolved in Goderich or Ottawa? In a practical way, what are we up against? You are going to be opening in a matter of days.

I have another question that follows from that, but that is a starter.

**Dr. Podrebarac:** I think your focus is very much in keeping with mine; that is, the whole process of implementation. We now have a policy. We now have what that policy is intended to do, but we have to practise now to ensure it occurs in keeping with the law. The focus on implementation is very much why our structure is the way it is: the clarification, the communication, the education. The intention of the law is to have it self-managed. Employers will take the leadership with employees in unionized settings. Employers in nonunionized settings, as you know, will have a responsibility to comply with the law.

The phase-in of the law—two years, three years, four years, that timetable—is there to help the developmental movement. As you know, the public service is committed to comply within the first two years. In other words, they must post plans and pay out.

In the private sector, the larger firms have two years within which to reach agreements and post the plans and payout is in the third year. That phase-in is there, which I think is a good thing in the sense of a developmental momentum to the others who may be watching to see. It allows us then to be able to target our resources in a variety of ways, which I think comes back to our focus on implementation.

My hope, again, is that by virtue of good education and good communication, we will minimize the confrontation. From my point of view, I do not see a backlog emerging, but I am not totally naïve about the fact that there will be some concerns. On the other hand, when we do have them, you heard my comment I alluded to earlier about additional resources. We are factoring in now, with the co-operation of the Ministry of Labour, a system capability whereby we will not have backlog. Beth Symes, the chair of the tribunal, and I have very good dialogue about the kind of support service she is going to require in order that bogging down will not occur. Hopefully, we will build in the system at the beginning in order to ensure it does not. With the phase-in, with the targeting, with the emphasis on supporting them to reach agreements, I sure do not envisage that happening.

**Mr. Owen:** I am hearing the theory. As members, we usually get the more practical questions and problems coming into our offices. With rent review, I think it was far easier for the public to understand, because they are dealing with inflation rates, mortgage charges, taxes and what not to work out what is fair. The resistance I have heard from the public as well as from management all along is that you will be trying to compare apples and oranges. You do not have something as concrete as taxes and mortgage charges.

Let me get you right down to a specific example. The city of Barrie is negotiating with its firefighters. They have not reached a settlement because they say they are going to have to pay their secretaries over at city hall whatever they pay their firefighters. Where did they get the idea that the firefighters, who might not always be putting in a full hour but who have a job involving risk, are comparable to the secretaries who put in their full hour but do not have the same kind of risk? Where are they getting that idea? Are they getting it from you people? If we are going to go through that type of coming to grips all across the province with every industry and every office, are we not going to be inheriting far more problems?

No one is questioning that women should not be paid properly; nobody, anywhere. Everybody says women should be paid fairly and equitably. I would like you to get down to the nitty-gritty. Do not tell me your theories. That will help us understand whether we are going to be inheriting an explosion or whether it is all going to be calmly and reasonably handled, as you are suggesting.

1110

**Dr. Podrebarac:** I am glad Mr. Owen raised that question because I was just as interested as he was when I read the article in the *Globe and Mail*. We did talk to the people. Again, it comes back to the question of clarification and communication. In our discussion with some of the officials, certain assumptions have been made by certain parties about what will happen.

**Mr. Owen:** But did they get it from you?

**Dr. Podrebarac:** No, not at all; not at all. That is why we come back to the point about clarification and what this really means. In our review of that matter with them, certain things were not being done in keeping with what the steps are in the law. If they had done an audit, if they had started to look at a job evaluation plan, I do not think they would have come to that conclusion as quickly as they did.

I hope we can clarify some of that intuitive sort of conclusion people are reaching. I do not know that they need to. That is part of our job. I agree with you; I am very sensitive to the practical aspects of implementation, believe me. We are not going to be overly theoretical about it. The theory is very clear here: what we are trying to do is close that gap because of the discrimination in wages in terms of women and men. Our job is to give them the support service to understand whether they even have the problem in the first place and, if they do, what they are going to do about it, when they will do it and how they should do it.

I am of the opinion that you need not hire some consulting firms who are saying, "Listen, if you let me come in, for \$800 an employee I will develop a job evaluation plan which will solve it for you." In fact, some of them have gone out and said they have talked to people in the commission who have approved their plan. We have approved no plan. It is interesting right now how people are taking advantage of the situation and reaching all kinds of conclusions. That is why the heavy emphasis on the clarification and support materials, in order that we can close that gap.

That is a very good point, Mr. Owen. I was concerned as well.



**Mr. Owen:** What you are saying, then, is that you are not telling them apples are becoming oranges or oranges are becoming apples; they are staying separate and consultants are not going to be able to change that. Mr. Rae's or somebody's point earlier was that what you are probably going to be doing is creating precedents, somehow, somewhere, and it is going to open up a whole new world to lawyers to make more money, to remember where the precedents are. Is that not so?

**Mr. Black:** We certainly do not want that.

**Mr. Owen:** No, we do not want that, but somebody over there was saying that and I think he is right. I do not think the consultants are going to be able to tell you the oranges or apples are changing, but the lawyers are going to have to keep the precedents and get involved and you are going to be creating a whole new world of endeavour for them.

**Dr. Podrebarac:** That concerns me. I think Mr. Rae said earlier that we do not want to get into a litigious sort of situation here. That is why, up front, anything we can do to ensure that counsel—Some of my most profitable meetings have been those where legal counsel have been sitting with private sector senior officials who are saying, "If that word is interpreted in this way, this is what you can do to avoid complying." Our job is to ensure that there is greater clarification in order that there is better understanding in order that there is implementation which will be in compliance.

I want to minimize that confrontation. The last thing we need is that active legal community to start making a backlog. They have heard that from me and we continue to debate that with them. I am quite optimistic that if we get out there fast and begin to clarify, there are many success stories that will emerge.

**Mr. Owen:** The whole aspect of change in this Legislature in family law was to bring it around to where people could resolve their differences on their own more and more. All it has done is create more and more work for lawyers and more and more confrontation. I am concerned with what has been said before, that you might be on the verge of doing the same thing again.

**Madam Chairman:** We are achieving some very good discussion. The minister would like to comment and I know Mr. Black has another question. If I have concurrence, I would then like to move on to some of the other matters.

**Hon. Mr. Sorbara:** Just to add to some of the things Dr. Podrebarac has said and to answer

some of Mr. Owen's concerns, the act is structured in such a way that it is our anticipation that, as we proceed year by year, the understanding of what pay equity means in workplace after workplace simply grows and spreads down to the smallest of businesses.

You have to understand that under the act, for those workplaces where there is a unionized workforce, the pay equity plan will be the subject of negotiations between employers and employees, just as in Barrie. I am not sure about within the employer sector, but certainly trade unions have a great deal of expertise already in negotiating these sorts of things. A good deal will be learned, certainly in the first year, as employers and representatives of the workers get down to actually negotiating a plan. The experience in one series of negotiations will be utilized for the benefit of other negotiations, and onward and onward.

You have to remember that the first phase is the public sector. Dr. Podrebarac says that the Ontario Public Service Employees Union and the human resources secretariat here have a sense of where they are going to be trying to go, and the experience there will flow out to the broader public sector and the private sector. Within the private sector, we are talking first about employers where there are 500 employees or more. In those sectors, much of the workforce is organized and already they are developing a kind of sense of where they want to go.

I do not think the kinds of concerns that Mr. Owen raises are going to dominate the process. Those concerns will arise and exist and the commission, through its various structures, will try to deal with that, and the tribunal will be busy.

Just a last comment for those of us who have to deal with this. We have a mailing list of all of your offices and your constituency offices and we are going to try to keep those offices up to speed as to what is going on, as far as press releases and announcements and developments are concerned, as they go on. Your staff, who will have to be answering some of these questions, will, if they read the material, have a sense of where we are going.

**Mr. Owen:** Will we be able to get some of this material soon?

**Hon. Mr. Sorbara:** As soon as it comes out—by the speediest method under \$1.

**Mr. Black:** It seems to me one of your major problems is going to be those organizations that bring together a blend of professional, semi-professional and nonprofessional people, a blend of unionized and nonunionized people and, in



many cases, several different unions functioning within one organization. I think specifically of boards of education.

Has your organization given any particular thought to how you are going to deal with those sectors?

**Dr. Podrebarac:** I will try to be brief. Indeed yes, we have had some very, very positive discussions with the Metro board, where, as you know, all of the boards come together, and with the Canadian Union of Public Employees. There are 19 groups, and I must say they are off to what I think is a very encouraging beginning on pay equity. They have agreed to explore this in a centralized plan. We have been involved with some of the legal counsel in order to try to keep it on track. With that complexity, I think that if we can work something out with them, the rest should be easier, but it is an interesting one to pursue, very much so.

**Mr. B. Rae:** I wonder if I could ask the minister some questions about health and safety. Just to start off—

**Mr. McLean:** On a point of order, Madam Chairman: Has the minister completed his statement to me?

**Hon. Mr. Sorbara:** Yes, I have.

**Mr. B. Rae:** Did you want to get back in on that?

**Mr. McLean:** No. All I wanted to know was whether he had answered the questions that I had put on the record the other day.

**Mr. B. Rae:** OK.

**Mr. McLean:** Apparently, there is a lot you have not answered, so I will be waiting till the next time when you come back and answer.

1120

**Hon. Mr. Sorbara:** We can get into more specific answers. I probably gave some perhaps broad, sweeping answers and some detail, but if you have specific questions, I will answer them. To the extent that I cannot answer them, I will ask—

**Mr. McLean:** Yes, that was the point I wanted to make. I think I did put some specific questions on the record the last time and that is why I was looking for those answers.

**Hon. Mr. Sorbara:** Yes.

**Mr. B. Rae:** After the tragedy at the Scotiabank tower, the company and the collective unions on the site agreed to form a health and safety committee. Do you know if there are any other construction sites that have one now? Has

that had an impact on any other sites that you are aware of?

**Hon. Mr. Sorbara:** It certainly has had an impact on the SkyDome site.

**Mr. B. Rae:** Is there a committee there now?

**Hon. Mr. Sorbara:** Yes, there is. In fact, as a result of that tragic accident, my predecessor in effect ordered that there be a health and safety committee on site at the Scotia Plaza. Shortly after I assumed office, when we were talking about health and safety committees at construction sites, I asked the question about the domed stadium. For a number of obvious and perhaps less-than-obvious reasons, I felt it was imperative that there be a committee there.

Tim Millard, assistant deputy minister for health and safety, advised me that there were discussions going on. I sent the message down that it was my expectation that those discussions would bear fruit in a full health and safety committee. In fact, what we ultimately achieved was an agreement among the parties as to the structure of that committee, which we felt was completely acceptable to us. They did not want to put it in place in a totally voluntary fashion, so the net result was that I issued an order requiring the committee, but the committee is exactly as they had negotiated it.

**Mr. B. Rae:** When did you do that?

**Hon. Mr. Sorbara:** About six weeks or maybe as much as two months ago.

**Mr. B. Rae:** Do you know if there are any other sites that have them?

**Hon. Mr. Sorbara:** Perhaps if we have more questions on health and safety we can get Tim Millard up here.

**Mr. B. Rae:** Sure, that is fine.

**Hon. Mr. Sorbara:** I will just introduce Tim Millard, who is the assistant deputy minister for health and safety within the Ministry of Labour.

**Mr. Millard:** I cannot tell you the exact date the committee was ordered for the dome site, but it was in the neighbourhood of six to eight weeks ago.

With respect to Mr. Rae's question about other committees, there are no other formal committees established under the Occupational Health and Safety Act on construction sites. Those are the two that have been ordered by the minister.

In our discussions with the Provincial Building and Construction Trades Council people in particular, we have received advice that they would like to see an elaboration of health and safety committees on construction projects.

There is a joint labour-management Advisory Council on Occupational Health and Occupational Safety for construction at the provincial level that helps us very much in terms of giving us good advice with respect to health and safety improvements in the construction area. Certainly, in our contemplations of the Occupational Health and Safety Act, that will be very helpful to us.

Our occupational mediation services and our advisory services that deal with concerns of employers and most particularly workers on a number of sites have been visiting construction sites as well. There are a number of voluntary committees on construction sites across the province and we are looking at the desirability of enshrining that under legislation.

**Mr. B. Rae:** You say there are a number of voluntary committees, but I understood you to say there were only two formal committees.

**Mr. Millard:** There are only two that have legislative authority under the Occupational Health and Safety Act. That is right.

**Hon. Mr. Sorbara:** Just to clarify that, they are not required, as I understand it, under the current act.

**Mr. Millard:** That is correct.

**Hon. Mr. Sorbara:** The only way we can be assured they are put in place is where they are done by ministerial order. There are only two instances where, with ministerial order, we have required them to be put in place. It is one of those areas that, as we are reviewing and considering proposals for a successor to Bill 106, I personally feel is still very challenging; that is, how to empower workers and bring a greater utilization of health and safety committees to the construction site.

We all acknowledge that construction sites are, just by the nature of what is going on there, inherently more dangerous than an industrial setting, a commercial setting or whatever. The nature of the participation of the workforce is unique as well, because it comes in and comes out. Some construction sites have crews coming in seriatim, one after the other. It is difficult to see how, over the life of the project, we can create a health and safety mechanism that really will work.

We are looking at a number of models now. The objective is clear no matter what the model, and that is to ensure that the workers on the construction site are participating in the process and ensuring among their co-workers, in respect

of their relationship with contractors, that health and safety are ensured on the site.

**Mr. B. Rae:** If I can be quite blunt, I can see why the dome site was chosen as one, not only because of its size but also because of its political sensitivity from a number of angles; I can see why you would have felt a need to move there. But why would you not have felt a need to move in other areas where there are also very large construction projects ongoing in Metro and elsewhere? Why would you only look at the SkyDome and the Scotiabank tower?

**Hon. Mr. Sorbara:** You know the history of the Scotiabank tower.

**Mr. B. Rae:** Yes, I do.

**Hon. Mr. Sorbara:** The dome site was chosen for the very reasons you mention, but primarily because a very large degree of public funding is going into the project and it is a very large and technologically complex project. We have not yet gone through the category of other major projects to see where the same sort of order might apply, but that process is ongoing.

The question is going to be whether we will deal with the remainder of those projects through amendments to the act, or whether it is appropriate to act in the interim to require committees by order to be on other sites.

**Mr. B. Rae:** If we wait until the act is revised, you would agree with me that we could be waiting well into the end of 1988.

**Hon. Mr. Sorbara:** I would hope not.

**Mr. B. Rae:** It depends on how long we sit around here, but it is going to be difficult to get a bill through in a couple of months.

**Hon. Mr. Sorbara:** The reality at the dome project is that Mr. Millard, through his division, worked with the parties to bring them together on how best to do this. In fact, the structure of the committee, the implementation and the work of the committee were as a result of a negotiated process. It was not simply a determination at 400 University Avenue that there should be a project and then an order was issued. A lot of work went into ensuring that we could have an effective model there and not just respond to a political expedient.

**Mr. B. Rae:** I appreciate that, but surely we now have two committees going and presumably—one does not know—the ministry has the ability to determine how they work. Presumably, since you have ordered two, you have now reached the conclusion that it is not impossible to have standing committees on sites, even though you have people coming and going.



**Hon. Mr. Sorbara:** Yes, no doubt about that, particularly on projects of that size.

**Mr. B. Rae:** But there are other projects, not the size of the SkyDome, but certainly the size of the Scotiabank tower. I can list them for you; we can get you a list. There is a whole bunch of them. I am wondering whether it would not be wise, and certainly in the interests of the people on the site, to have a committee set up as quickly as possible. Why would that not be a priority for the ministry?

**Hon. Mr. Sorbara:** It is not that it is not a priority. I simply tell you that it is a priority right now to work with management and labour to find an effective mechanism that we can enshrine in legislation. I will take your suggestion as a good one, and we will consider whether or not we want to investigate an inventory of sites. Mr. Millard, did you have a comment on that?

1130

**Mr. Millard:** Yes. I wanted to say that certainly we have been visiting a number of those sites and talking about exactly that. We have been trying to get parties together to discuss terms of reference which are acceptable, those types of agreements between employer and employee with respect to health and safety committees with a view to the opportunity to look at exactly what Mr. Rae is suggesting, and that is the desirability of having more committees required under the act for those individual sites which have the right set of characteristics. If there are others that we are not visiting at this time and should be visiting, I would certainly welcome the nomination of other projects that we should visit.

**Mr. B. Rae:** Okay. I just think that my discussions were obviously more on the union side than on the employer side, since they tend to phone me a little bit more often than large employers do.

**Hon. Mr. Sorbara:** They tend to phone me more often as well.

**Mr. B. Rae:** With some of them I do not even require a phone call. What I would like to suggest to the minister very strongly is that we have had, as I am sure everybody would agree, far too many deaths in construction. With the boom continuing, we really do have to do a job to make sure these do not happen.

It seems to me that if we have an opportunity not just to educate people but to send them very clear messages as to how these things are going to be done, if we get two model committees

working, the news and information about that model should be widespread.

For example, on the SkyDome, I sat at a meeting 10 days ago with some people in the construction sector. I said, "Where are the other health and safety committees, apart from the Scotia Plaza?" They said, "There are discussions about SkyDome, but SkyDome is not yet ongoing."

I was surprised to hear this. That is why I asked the question directly about it today. If the committee is ongoing, this is terrific, but I think we ought to do more if we are agreed.

I am going to get into this in my next question, but if there is a reluctance to prosecute because there is a feeling that problems should be solved by people on the site, then we had better make sure we have committees going; otherwise, we have nothing. If we do not have prosecutions and we do not have committees, it is pretty difficult to guarantee safety.

Could I ask a question of the minister about McDonnell Douglas Canada Ltd.? In our exchanges a couple of weeks ago you said that the investigations were continuing with respect to infractions and you would be making some decisions about whether or not there would be prosecutions. Can you tell me how far along this has come?

**Hon. Mr. Sorbara:** I should probably ask Mr. Millard to answer this more specifically. I think I made it clear at the time that this was one aspect of what we were doing out there, among a number of things, in what we all considered within the ministry to be a very serious matter. Mr. Millard, can you update Mr. Rae on where that process stands now?

**Mr. Millard:** I would be happy to. Perhaps before I do this I can indicate that three people with better memories than I have passed me notes that the committee at the SkyDome was established and ordered on November 16 of this year.

**Mr. B. Rae:** Thank you.

**Hon. Mr. Sorbara:** A month ago.

**Mr. Millard:** From the perspective of those of us in the health and safety division, and not from our legal services branch, we have been working with the parties on a daily and nightly basis to make sure that this workplace is as safe as it can be so that workers will feel sufficiently protected that they can go back to work at the plant from the legal point of view.

We also have used a number of our inspectors to take statements onsite with respect to activities that they allege to be reprisals. Those statements

have been taken. They are now being reviewed by our legal services branch, and we are expecting recommendations very shortly. Also, our legal services branch, with the assistance of our inspectors and investigators among the hygienist and medical people and our actual inspectors onsite, are looking at the nature of those orders and the nature of the circumstances that were uncovered and detected when the orders were written, to see if there is a foundation there for prosecution with respect to violations of the Occupational Health and Safety Act as they relate to health and safety matters and not to the reprisal matters. We expect these same recommendations from the legal services people very shortly, but they have not yet been concluded.

**Mr. B. Rae:** We obviously have an ongoing discussion of what the philosophy of enforcement is supposed to be. McKenzie-Laskin described the two different views as being one in which the function of the ministry is seen essentially as one of facilitating, mediating and solving problems. They were very critical of those who believed that the job of the ministry was to act as some kind of policeman. They were very critical of those of us who argued that there needs to be a different attitude to the question of enforcement.

I will not go into a political characterization of the report, but it does seem to me to describe two different attitudes. If I heard the minister correctly, he seems to be very much adopting the McKenzie-Laskin view of what the role of enforcement is.

When you have inspectors who go in and find infractions, first of all they issue orders, but these orders have to be based on infractions. What is the ministry's philosophy now if it finds an infraction? It has the discretion as to whether or not it is going to seek a prosecution on the basis of breaking the law, or it has the discretion of not doing this and simply sticking with the order. It can do three things: It can ignore it, it can require that something be done about it or it can do both. It can require that something be done about it and it can prosecute.

Is there a reluctance to prosecute? Is there still the view that if it can get the company to clean up, this is the basic job, and that prosecution is less important? What is the foundation of the argument?

**Hon. Mr. Sorbara:** I am going to ask Mr. Millard to go through the specific policy with respect to prosecution. I do not think it is an either/or situation. The primary reason for prosecution within health and safety matters is to

be a deterrent and an enforcement of clear standards. I do not think this is inconsistent with the objective of education and putting in place processes to improve health and safety in the workplace. This also is the mandate of the inspector.

I personally do not see it as a kind of radar-trap situation. I will use an analogy that I am not sure will be entirely acceptable to you. The analogy is baking bread. If when you are baking bread you do not use enough yeast, the bread will not rise and you will not get the kind of loaf that you want. If you use too much yeast, you will ruin the taste of the bread and no one will want it.

There is an appropriate approach to enforcement which allows you to achieve your objectives; that is, to ensure that generally around the province people know what the law is and observe the standards. Based on the number of orders that are issued to comply with the Occupational Health and Safety Act, we could use all of the resources of the Ministry of Labour and some additional ones to prosecute in every case where there is a violation of an order to a construction worker for not having safety boots on or not wearing a helmet, or an outhouse not being in the right place, or, or, or. There are thousands and thousands of orders being issued in all sorts of circumstances, and within this sort of work, you have to determine what the right recipe is for utilizing the tool of prosecutions to ensure the objective.

#### 1140

Punishment is also a part of that and, as you know, in the draft bill and in the bill that will be coming back, the level of fines is going to be much higher than in the current legislation, simply because you do not want to provide a situation where the court process is a legal nuisance which results in a relatively inexpensive licence to break the law.

I do not have any magic recipe to tell you what the exact amount of yeast is, but I can tell you that we cannot take up all of the resources of the ministry simply to be perceived as being the great prosecutors in this process. On the other hand, if we do not have a system of prosecution that assures employers—and workers, for that matter—that we expect compliance with our regulations and the Occupational Health and Safety Act, then we are not doing our job, either.

**Mr. Millard,** do you want to go through what are currently the criteria, the framework within which prosecutions are considered appropriate?

**Mr. Millard:** I share the concern with respect to the ability to use prosecution effectively and I



do not take the question lightly at all. It is one that we very much are wrestling with on a daily basis and on a strategic basis in terms of having a proper impact.

Our prosecutions from 1984-85 to this year will have increased by about 125 per cent. We are using prosecutions to a greater extent to get at exactly the deterrent aspect. There is also a very real and needed punitive aspect to prosecution in terms of those who have violated the law.

Let me just say as well, before I speak to the criteria for prosecution, that while Mr. Rae is quite right that it would seem that wherever you write an order there is a contravention, it is very difficult to assume that there is a provable contravention when we write a number of those orders. Our inspectors are making very difficult discretionary judgements on the spot with respect to writing those orders and determining whether it is likely to endanger or not if they are called in to investigate a work refusal.

Their first concern is to get that situation corrected and get it healthy and safe. In writing those orders there may in fact be a lot of them that are not provable contraventions, and in fact what they are doing is saying, "Look, this worker has a concern," or "There is an opportunity for an injury to happen here; let's remove that opportunity for the injury to happen right away."

So while a number of orders are written, I cannot tell Mr. Rae that they are all provable contraventions. Certainly if we determined to prosecute on a number of those orders, I hope and I am confident we would find that we have sufficient evidence there, based on the inspector's observations, to say that we could successfully prosecute on a number of them.

When we are looking at prosecutions, we look at failure to comply with orders as one of the criteria for prosecution, or where orders are issued for a similar circumstance that has occurred in the past when an order has been written—not the same one, because we do not issue repeat orders any longer for the same circumstance.

The contravention of the designated-substance regulations, where we are working with hazardous substances, is a criterion that we use and one that we think very clearly leads to the need for prosecution in most circumstances. We use as criteria, conscious disregard of the act, or where the employer is, in a labour relations way, not trying to make the health and safety committees work in a functional and effective way.

The high-risk situations: For instance, we have put out alerts with respect to trenching in the

construction business. We have put out a number of advisories and a number of alerts, and we have put out information. There is an array of information available to the constructors that says: "Look, these are dangerous situations in these trenching circumstances. Here are the regulations." When we have that kind of situation, when we have an infraction, that is an area where we certainly are occasioned to want to prosecute. Critical injuries and fatalities, of course, are also those areas where we prosecute. Finally, circumstances where workers endanger the health or safety of other workers are also one of those criteria.

**Mr. B. Rae:** I wonder if I can just come in here. I appreciate that you are enumerating that. I think, in fact, it would be useful if that were made more publicly available to everyone.

**Hon. Mr. Sorbara:** Could you repeat that?

**Mr. B. Rae:** I think it would be useful if that were made specifically more available to everybody so that everybody would know these were the criteria that were being followed in terms of the health and safety committees and other people, because I think there really is a need for the ministry to set out very clearly what its criteria are.

The concern I would have would be that if you do not go one step further and say there will be occasions when an infraction in and of itself, when first seen, will result in a prosecution, and if in fact you do not produce a prosecution in that instance, there is always the risk—and I do not even think the risk: I think the likelihood—that an employer will say: (a) "What are the chances of my being inspected?"—not necessarily that great, depending on where you are, what kind of work you are in and what kind of complaint process there is, etc.—and (b) "All that is going to happen to me when I get inspected is that I am going to get a work order anyway."

So one gets into this question, and we have been through it in environmental prosecutions as well. We went through it with that ministry when the criterion that was clearly established—and I think is now slowly being established in the environmental field—is: "We have to inject an element of economic inducement. There has to be an economic incentive for people to clean up."

My argument has always been that if you do not have at least a sense of fear out there on the part of employers that if they do not clean up it is going to cost them, and ultimately it is going to cost them more than if they do, there will still be that reluctance to clean up.

The concern I would have would be that if the policy is, "We will give you one chance"—even with McDonnell Douglas, which is a very big company, we have these in the Ministry of the Environment. I do not want to prejudice anything that is going to happen, but if the impression of employers out there is, "I can wait until I get inspected; and if I get inspected, I am going to get a work order. The chances are that if I get inspected, I am not going to get fined. The only thing that is going to happen is that I am going to get a work order. Why not wait to get the work order?" what is the incentive to comply? I do not see it.

They are making a very tough bottom-line judgement, which is what these guys have to do. They are going to say: "I think I can get away with it for another year. As long as nobody gets killed and as long as it is not that serious or I do not think it is that serious, I will take my chances."

I think that is the risk you run if you do not at least have an additional sense that there will be times and occasions when an infraction, in and of itself, will produce a prosecution, and in a sense, the ministry is going to determine when that will be.

**Hon. Mr. Sorbara:** I think those comments answer really your first question: Why not make these criteria broadly known within the workplaces of the world? The fact is, these are not the only criteria and we did not want to restrict ourselves to these criteria alone; that is, to say, "Listen, if it does not come within these criteria, then you will not be prosecuted." You want to have a clear policy that says, "or in other instances where it is considered appropriate."

1150

I agree with you about the economic incentive to comply. We will never be in a position to inspect, as often as we would want, every single workplace in every single corner of the province. There are those employers who will say, "Well, the only risk I run is that I get an order to comply." That is one of the things we are trying to grapple with as we consider further amendments to the Occupational Health and Safety Act.

To talk about economic inducements, one is the kind of situation we had at McDonnell Douglas, where there are mass refusals to work. We have got to make sure that is an effective economic inducement.

The other part of it is Workers' Compensation Board assessments, which are another economic inducement to ensure that the incidence of accidents in the workplace goes down.

**Mr. B. Rae:** I will tell you this right now: I have a real problem with experience rating based on Workers' Compensation, because I think part of what it does is simply reduce the incentive to report. I am convinced, and there are a number of academic studies I have seen from the United States which show, that one of the things that happens is that more and more employers say: "Well, come in. You do not have to work today, but just let us not report this thing." That is the danger of relying too heavily on the WCB ratings as a criterion.

**Hon. Mr. Sorbara:** There are other things the WCB is doing. Just recently, under subsection 91(4), it is developing on a pilot-project basis its own inspection of workplaces in a way it has not done before.

But listen, I am open to suggestions. I am looking for whatever means we can to bring health and safety more directly to the attention of employers and employees, any suggestions you have that will help us to bring it more squarely to their attention, whether through enforcement or through other mechanisms and, in my view as well, through a process of training.

**Mr. B. Rae:** The other issue I wanted to raise in terms of enforcement is the question of the use of the criminal sanction and the relationship between what the ministry does and what the police and others do. For obvious reasons, I cannot discuss the case in Sudbury, because it is now sub judice, but I do want to raise the question of the relationship between the police and the ministry in terms of the enforcement of the act.

One of the interesting things I have found in talking about the Sudbury case with the police—and I do not want to talk about it more than in a tangential way—was when I asked them about the possibility of bringing criminal sanctions against the company; whether the police had looked to other infractions of the law under health and safety or the failure to enforce it as arguments for a negligence action against the company, not only in this instance but in any other hypothetical sense. One of the things the police said was: "We don't worry about the act. That's not our business. We don't concern ourselves with the act. The only thing we concern ourselves with is the Criminal Code, and the ministry deals exclusively with the act."

I must say I am one of those who think the criminal sanction has to be used very carefully, but there may in fact be instances where that level of prosecution, both in terms of the act and in terms of the Criminal Code, may be necessary



against companies and those responsible in companies.

Can you give me an outline of just what the relationship is between the ministry and the police? What is the normal procedure in terms of when police get involved in an industrial accident? What kinds of investigations do they make? Who is it that makes the decision that they should be involved? Does the ministry have a procedure or a particular line of authority in which it says, "We think the police should be involved here," or are there other legal questions raised?

**Hon. Mr. Sorbara:** I am going to have to ask Mr. Millard to answer that and call upon whoever else he might think is appropriate from the legal branch.

**Mr. Millard:** If I may, just a couple of points: First, the prosecutions policy that you suggested should be more widely available we have published, and it has been publicly available for two years. But if there is need to make sure that we get it more widespread in terms of an understanding of exactly what our focus is, we would be happy to do so.

We do prosecute in the first instance on occasions. Mr. Rae, I think, is suggesting that we do more of that. I just wanted to let it be understood that we do prosecute in the first instance without—

**Mr. B. Rae:** Any idea how many of your prosecutions in the last year were on the basis of first-time—

**Mr. Millard:** I cannot tell you that now, sir.

**Mr. B. Rae:** Can you get us that information, a breakdown of what the prosecutions were and what for? I would appreciate that.

**Mr. Millard:** Also, under subsection 91(4) with respect to other motivators, if the motivators are fear and greed—and I believe there are other motivators than that, but if the economic one is one that we all believe is a motivator, and I believe it is a motivator—working with the Workers' Compensation Board, we are working out a system whereby they can gear their assessments and levies, based on our observations within the workplace, which do not depend on worker reporting of accidents. Hopefully, that will also go towards providing more in the way of that incentive.

With respect to the particular relationship of the police and our ministry, perhaps Arthur Gladstone would join me and talk about what exactly happens at the occasion of an investiga-

tion. Mr. Gladstone is our executive director for the line operations and is familiar with that.

**Mr. Gladstone:** Mr. Rae, the ministry has an ongoing relationship with the local police. When a fatality occurs, for example, it is my understanding that the police, as well as the ministry officials and, if there are other government agencies responsible for particular areas, such as the pressure vessels people or the elevators people, they join the ministry and each conducts his own investigation vis-à-vis what happened at the site. That would be true with regard to more extensive accidents, more extensive events that do not lead to injury but have a potential for great harm.

I can also tell you that, as a result of the event at Levack—and, like yourself, I do not want to say anything that would in any way prejudice the case that is before the courts—but I would say that, following the events during that investigation, we worked closely with the responsible people. At the end of it we assessed the relationship between ourselves, as the Ministry of Labour, and the Ministry of the Solicitor General, which is responsible for the overall delivery, if you would, of police matters in this province. We have undertaken discussions with them as to how the police understand our role and how we understand the police's role in doing this.

I think that our experience, based on information I obtained from the directors who have officers in the field on a day-to-day basis, is that there is a great deal of co-operation and communication between the local police forces and the ministry. That is not to say that in some areas it could not be improved. Where it can be improved there is, I believe, a commitment on our part and on the part of others to do that.

**Mr. B. Rae:** I am wondering, again in following up on that, whether it would not be a good idea for the ministry perhaps to publish precisely some of the conclusions you have reached as a result of your discussions with the Ministry of the Solicitor General so that health and safety committees could be informed, because I can tell you that there is on the ground a lot of very real concern about just what is going on, what people's obligations are, what information is being handed out from one group to another and just what the scope of the investigations is.

**1200**

As you will no doubt appreciate, the health and safety committees themselves have developed a very sophisticated process internally, in the case

of large companies particularly. The unions themselves have inquest committees and they have very extensive information. They are all in need of some assurances about just what the process is from the ministry's standpoint. The more transparent we can make these processes for people, the better off everybody is.

**Mr. Millard:** I was not sufficiently aware of that concern existing at the health and safety committee level. I would like to undertake to have discussions with some of the major labour organizations and management organizations so that I can understand exactly the kind of information they need and undertake to try to provide that.

**Mr. B. Rae:** The other element of this is that there have not been very many charges for criminal negligence causing death as a result of industrial accidents. To my recollection, there have been two or three, one of which is now outstanding. Another one flowed from an accident in Elliot Lake. Both of them have involved prosecutions of workers.

I think it is a very difficult subject. It may be difficult for the ministry to discuss it while there is a case outstanding. But I think that both management and labour need to understand that this is what, in fact, we are talking about when we talk about failure to enforce.

The other thing that bugs me, frankly, is that I could go through lots of inquests and show you lots of juries at coroners' inquests who have clearly shown that, in their view, the reason the worker died was that the act was not enforced or the act was not followed. The only thing that ever happens as a result of that is a prosecution by the ministry for the failure of the company to live up to sections of the act.

So far as I am aware, there have not been any instances where the police have said: "Okay, this company failed to enforce the act. Who is it that failed to enforce the law?" That, frankly, is a standard of negligence which needs to be applied. It has not been applied and there are a lot of sociological and other reasons why everyone is reluctant to use criminal sanction in that instance. I have expressed this view to the Attorney General (Mr. Scott) very strongly. I think if you are going to do it to workers, you are going to have to start looking at what the companies' obligations are. If the companies are failing to live up to the law, one of the things that can flow from that is the application of the criminal sanction, not just the application of sanctions under the Occupational Health and Safety Act.

**Hon. Mr. Sorbara:** The responsibility to make that kind of judgement, of course, would be within the jurisdiction of the Attorney General and the crown attorneys. I think you and I will agree, with our equally limited experience in criminal law, that it would present some interesting challenges for a prosecutor to establish that link. Not that it ought not to be made, but when you ask Mr. Millard about the linkages between what our guys do, what the police do and what the crown attorneys do, those initiatives are more directly in the area of the decision-making of local crown attorneys.

I hear what you are saying and there is, I guess, an emerging body of law on corporate criminal liability. It is certainly not as well developed as certain other bodies of law.

**Mr. B. Rae:** OK, thank you. I do have other questions, but I am afraid I have another commitment.

**Hon. Mr. Sorbara:** I think we all do.

**Mr. B. Rae:** I appreciate the minister's time.

**Madam Chairman:** Are there questions on this?

**Mr. Owen:** Thank you, Madam Chairman. I am not as familiar in this area as some of the other people who are here, but I know that we have inspectors to do their job as required by the legislation. I know that the unions have had their health and safety committees, but am I to understand that what is being proposed here is that we formally and legally establish health and safety committees at major projects? Is that what is coming out of this? If that is the case, is that not duplicating what we already have a system doing? Maybe we do not have enough inspectors to do the job.

If I hear a proposal that we are going to create a second system, because the present system is there but is not quite working, I cannot quite gather the logic of creating another system to duplicate it. We will end up partly doing the first system we have in place and probably having to arrange for people to supervise the second system that is being proposed. I know the terrible tragedy that occurred and why the ministry acted on having a committee appointed there, and I can understand why you are doing it with the dome, but are we getting ourselves into a duplication of a system that is already in place, which, for some reason, is not quite functioning?

**Hon. Mr. Sorbara:** We are not getting ourselves into a duplication of something that is already in place. I am going to ask Mr. Millard to describe more extensively the various compo-



nents of the application of occupational health and safety, the act and the regulations within the province.

But just to introduce the matter, a very large component of the enforcement of occupational health and safety is tied up with the creation and the maintenance of joint health and safety committees within the workplace. This is a mature and well-developed system of enforcement which places the responsibility within the workplace. The internal responsibility system is designed to have management and workers participate in a process to ensure there is compliance with the law and very high standards within the workplace for occupational health and safety. As I have said, it is a fairly mature and well-developed system—not that it cannot be improved on.

Historically, there has not been that well-developed system within the construction sector because of the very nature of construction projects. In very small construction projects, we still have difficulty thinking of how we might use the internal responsibility system; that is, putting the responsibility where it most appropriately ought to be.

In major projects, like the Scotia Plaza project and SkyDome, we are in a sense experimenting by way of order. This is not to say there are not systems that have been used on an ad hoc basis on other construction projects, but we felt these projects were sufficiently large that we required an occupational health and safety committee.

Mr. Millard, do you just want to expand a little bit on the workings of the internal responsibility system and joint occupational health and safety committees?

**Mr. Millard:** I am hard pressed to add very much to that response. I was trying to make notes as the question was asked and I think the minister has really answered it. In terms of the fundamental principle of the act, the internal responsibility system counts on the opportunity and the ability of the workers and the employer to be able to solve their concerns and resolve conflict within the workplace.

By virtue of the legislation at the present time, the Occupational Health and Safety Act requires that in most workplaces other than construction where there are more than 20 workers, you have a formally composed joint health and safety committee of labour and management representatives who can get together and resolve those concerns and inspect the workplace. Our inspectors can hope, at most, to make sure that those internal responsibility systems are working and

be there as an audit function and an inspection function on a very broad basis.

The individual responsibility falls within that workplace for safety within that workplace. We will never have, nor do I believe we should have, an inspectorate large enough to take that responsibility for every workplace. That is why you have the joint health and safety committee.

On construction projects, the act does not require a joint health and safety committee. Where there are more than 20 workers, it does require a worker representative to be appointed, but we have found in some construction projects that both the employer and the employee would like to have a formally constituted committee and draft terms of reference, but our only opportunity under the act is to order a committee specifically for that project. There is deliberation among labour and management at present with respect to where else those committees would be effective in resolving their own concerns at the site. That is the kind of deliberation we are undertaking.

There is also a request from some of the parties to have us apply, in terms of an amendment to the act, health and safety committees to a broader range of construction projects that right now only require worker representatives.

1210

**Mr. Owen:** Are there practical problems why it should not extend to the construction field?

**Mr. Millard:** There are practical problems with respect to the extension of a health and safety committee to some construction projects. A number of criteria can be looked at for the effectiveness and efficacy of health and safety committees to resolve the health and safety concerns of the workplace. These are the size of the project, square feet, number of people employed and duration of the project. There are some practical concerns. Those are the sorts of practical concerns on which we are asking the joint labour-management construction committee to deliberate. They have been doing a magnificent job of that and have made recommendations to us.

**Hon. Mr. Sorbara:** Just one other point before we finish up with that question. If it would be helpful to Mr. Owen or to any new or old members of the Legislature—you are a new old member, Mr. Owen—I would be delighted to arrange a seminar for members just to get the message out about how the Occupational Health and Safety Act works. It is in our interest, by the way, to spread that message. There are workplaces in everyone's riding, and part of what we have to do as well is education and training. I

think it will be helpful for anyone who wants it to have a better understanding of how these mechanisms work. Promoting that is certainly part of our agenda. It may well be that, even if you do not ask for it, we may just mount it and try to encourage people to come.

**Mr. Mahoney:** Very briefly, I am a little concerned that I hear much of the discussion centring on what I would call either high-rise or high-tech construction in the sense of the stadium and the high-rise buildings in Toronto. This is, I guess, a little bit reactive as a result of the tragedy that has occurred.

There is an awful lot of construction going on throughout the province. In my area, we have a lot of high-rises, but we have a lot of residential-development construction, as does Mr. Sorbara. My concern is that what has happened is a major change in the way of developing new communities, where residents wind up living in construction sites and there is equipment going all over the place.

**Hon. Mr. Sorbara:** It is really true. I see it right across the street from me. The project is not finished, and yet people are moving in and driving around in their communities beside trucks bringing loads of bricks for the next house down. I am sorry to interrupt you. I want to highlight that point.

**Mr. Mahoney:** That is my point. My fear has been for some time—and I raised this when I was on municipal council—that we are just waiting for the day when a backhoe is going to run over a kid. All hell is going to break loose when that happens, and all of a sudden we will do something about it. It seems to me that a health and safety committee need not be a cost factor. It would take some time to meet, but I assume there are people on the management side and the union side that are volunteering to sit on this committee. Am I correct on that? Or is somebody getting paid to do this?

**Hon. Mr. Sorbara:** Within the industrial sector, it is very easy to see how it works because there is a permanent workforce. Players change daily, weekly, monthly, but there is a permanent workforce that comes to work in that place on a regular basis and there is a permanent management team there. From each side, a committee is formed, generally co-chaired, one chair from among workers and one chair from among management, and they develop an agenda for that particular workplace.

Construction sites, particularly the ones you are talking about, are very different kinds of places and there are different kinds of construc-

tion projects. The SkyDome, for example, and those very large projects are really very much a workplace for construction workers, sometimes for the full duration of the project. A construction worker may have begun on the first day at SkyDome and may stay there until its completion and be there at the opening ceremonies. The residential projects that you and I are so familiar with in our own communities are very different.

You may get the guys coming in first of all to put in the services under the ground and then a whole new crew that goes in and forms basements. Suddenly, the carpenters are there and these things mushroom out of the ground. They leave and then come the bricklayers and on and on.

It is much more challenging to identify the workplace and the workforce, other than, I guess, it would be the developer or the owner of the project who is the employer, because oftentimes it is a series of subcontractors who are dealing with a very small corporate entity that might have no sophistication whatever in the area of health and safety. On these projects as well, oftentimes they are done by the nonunionized sector of the workforce, which has, relatively speaking, a great deal less sophistication in an agenda for occupational health and safety.

**Mr. Mahoney:** I guess the continuity would be the two areas: one, the developer, and if you are dealing with a large developer of 1,000 acres or something, it is easy to get a handle on it; two, I suppose, would be the municipality, the permit-issuing municipality.

I did not want to dwell just on the residential but that clearly is a problem when you go into any of them. I have referred to them in the past as looking a little bit like West Beirut at times, and there are people actually living and running around. I think we are inviting a tragedy to happen. I would leave that with you.

**Mr. Millard:** The minister has clearly indicated some of the problems with elaborating the health and safety committees in terms of further application to construction projects. We are doing two things in particular. One is the recognition of the concern of health and safety for these housing projects. Certainly you are putting a different flavour on it too in terms of the public safety associated with a construction project, but recognizing those kinds of concerns, that is where we can and do, I hope, use our inspectorate very effectively. We have put a very large blitz on housing projects this year, on those residential projects, and actually have our



inspectors there to make sure that health and safety are ensured to the extent that we can.

Also, we are working with the Ministry of Housing. Very recently, our deputy minister communicated with Mr. Church, the Deputy Minister of Housing, to talk about how we can better co-ordinate our efforts in terms of distributing information—through permitting or whatever else—with respect to obligations for health and safety and getting that message in front of everybody. We are aware of it and are trying to take some different arrows from our quiver and trying to use those in terms of a much broader approach to the problem.

**Mr. Mahoney:** Thank you for that. I am a little concerned that it would appear—perhaps the ministry is open to criticism—that after the Scotia Plaza incident we have reacted to the highest profile politically, which is the SkyDome, and yet there are major high-rise projects throughout all of Ontario, in my own area and all over the province. I am a little surprised that we would not look at it in a broader scope and move on it quicker in a broader sense to implement such a committee.

I would think, if I were the contracting firm on a large project, I would want it. Frankly, I would institute it myself, whether I was forced to by legislation or not, to make sure that we are all communicating on health and safety matters.

**Hon. Mr. Sorbara:** In many instances, contractors take that very view. With regard to your suggestion that we go through the inventory of large projects and develop a policy of one by one, or group by group, ordering occupational health and safety committees, my response to that is, taking the suggestion of our colleague the member for York South (Mr. B. Rae), we may well want to look at that sort of inventory, although I would not want to legislate the requirement for joint health and safety committees on construction projects simply by ministerial order. The real solution is to find a legislative mechanism to require them, and that is going to happen. We hope to have an act ready for introduction in the spring session.

1220

There were special circumstances with the SkyDome project, including the fact that it is, in a sense, within the broader public sector and there are public funds going in there. It is a very large and intricate construction project. The projects I think you are talking about in your own community are large. I know the ones you are talking about, but they are not as large.

**Mr. Mahoney:** I am not intending to be parochial. I think it is right across the province.

**Hon. Mr. Sorbara:** Sure. As we do that, the real response is legislative change, not simply governing by ministerial order.

**Mr. Daigeler:** I am just wondering whether you could provide us with some information or statistics on how we are doing in Ontario with regard to work-related accidents compared to some of the other provinces and also perhaps to some of the other equally industrialized countries.

**Hon. Mr. Sorbara:** That is a good question. I do not have those at my fingertips.

**Mr. Daigeler:** Perhaps you will provide us with that, if that is available.

**Hon. Mr. Sorbara:** I am sure it is available. It certainly is available or it could easily be compiled from within our own reference libraries or the ones here. The data do come in. Mr. Millard, should we just undertake perhaps to provide some sort of comparative analysis?

**Mr. Daigeler:** All on paper?

**Hon. Mr. Sorbara:** No, I am a conservationist when it comes to paper.

**Mr. Daigeler:** Good.

**Hon. Mr. Sorbara:** I think we should put a tax on photocopiers.

**Mr. Daigeler:** I think that would be very helpful to give us a perspective on how we are doing.

**Hon. Mr. Sorbara:** OK. That can be done.

**Madam Chairman:** The minister is not available this afternoon, so we will not be meeting. I suggest we then adjourn to the call of the chair.

**Hon. Mr. Sorbara:** Can I just make a couple of other comments?

**Mr. Mahoney:** We are going to be here till Christmas anyway.

**Hon. Mr. Sorbara:** Just before we adjourn, although he is not here, I just want to put on the record the response to Mr. McLean's questions, because he was suggesting we had not answered them all. We are going to go over the transcript of the first hearing and see if there are any more specific questions that should be answered, but several were about the Workers' Compensation Board and we feel those should be dealt with in the presentation of the annual report of the WCB. I think I did comment on companies operating outside the WCB. It is a concern of ours and we are going to be dealing with that.

I have a breakdown of staff hired in health and safety, where they were hired and the numbers in each branch. Perhaps at the beginning of our next

hearing we will have that on the record as well.

Now I am at your disposal.

The committee adjourned at 12:25 p.m.



## CONTENTS

Thursday, December 17, 1987

**Estimates, Ministry of Labour**

<b>Ministry administration program:</b> .....	G-33
Main office .....	G-33
<b>Adjournment</b> .....	G-53

**STANDING COMMITTEE ON GENERAL GOVERNMENT****Chairman:** Stoner, Norah (Durham West L)**Vice-Chairman:** Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

**Substitution:**

Rae, Bob (York South NDP) for Ms. Bryden

**Clerk:** Deller, Deborah**Clerk pro tem:** Mellor, Lynn**Witnesses:****From the Ministry of Labour:**

Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)

Podrebarac, Dr. George, Chairman, Pay Equity Commission

Millard, Tim, Assistant Deputy Minister, Occupational Health and Safety Division

Gladstone, Arthur, Executive Director, Operations, Occupational Health and Safety









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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Office for Disabled Persons

**First Session, 34th Parliament**  
Thursday, November 3, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, November 3, 1988

The committee met at 10:11 a.m. in room 228.

After other business:

### ESTIMATES, OFFICE FOR DISABLED PERSONS

**The Vice-Chairman:** The committee will now proceed to review vote 1201, the estimates of the Office for Disabled Persons. There are seven hours allocated for these estimates. I would now like to call upon the minister, the Honourable Remo Mancini, to make his opening statement.

**Hon. Mr. Mancini:** I hesitate to start without the Conservative critic, Margaret Marland, being here. I was wondering if maybe Mr. McLean could—

**The Vice-Chairman:** There she is. Speak of the devil.

**Hon. Mr. Mancini:** I was defending you, Mrs. Marland.

**Mrs. Marland:** I see.

**Hon. Mr. Mancini:** I am now ready to go. The first thing I would like to do is introduce some of the staff who have joined us today so that all members of the committee can know and possibly meet some of the people who work at the Office for Disabled Persons, some of my personal staff who are here. My new executive assistant, who has replaced Anne Johnston, who now sits on Metro council, Sandra Anstey, is here. Just wave so everybody knows who you are. My policy assistant, Susan Kitchener, is here.

From the Office for Disabled Persons, sitting on my left, is my senior adviser, Clem Sauv . I think some of you have met him over the years.

**Mr. Allen:** Why does he not get a name plate?

**Hon. Mr. Mancini:** I think we should consider that for the afternoon meeting. Mr. Chairman, would you look after that?

Bev Alldrick is manager of policy and research services. Edna Hampton, manager for communications, is here. Gloria McShane is senior communications officer and speech writer. Stephen Little is manager of community initiatives. Brad Cows is research officer. Lucy Chong is co-ordinator, administration. She keeps our figures honest, most of the time.

**Mr. McLean:** Keeps you busy.

**Hon. Mr. Mancini:** Yes, she will be very busy.

From the advisory council, our chairman, Ron McInnes; some of you saw him yesterday. Mary Tate, the executive officer, works for both advisory councils, at seniors and also disabled.

Those are some of our staff here today who will help us get through the estimates. In case the committee members do not know, the room has been hooked up to a special FM system for the hard-of-hearing. We tried to make the committee hearings as accessible as possible.

It is my pleasure to introduce the 1988-89 estimates of the Office for Disabled Persons to the standing committee on general government and discuss how we are working towards independence and equality for all persons with disabilities.

Since it is the Ontario government's focal point for the concerns of our disabled citizens, the office has involvement in a variety of areas affecting people with disabilities, from transportation to housing to education. Relevant issues include physically accessible buildings, public inquiries on services and also programs for disabled persons through our information services unit, new housing units for disabled persons, employment equity and a number of others.

The Office for Disabled Persons has an influential role in bringing a disability perspective to policymaking throughout the Ontario government. The other key aspect of our work is increasing awareness of our services and programs for disabled persons. However, I should emphasize at the beginning that our responsibility for programs is limited to the ones we actually administer. Much of our work consists of advocacy, encouragement and persuasion throughout the government to make sure the needs of disabled persons are being fully considered.

As we all know, statistics can be a highly useful tool for understanding and assessing the needs of any client group. Last summer my office published this information in Statistical Profile of Disabled Persons in Ontario. This is an analysis of the Ontario data from the federal government's 1983-84 health and disability survey. It is the first time such detailed information on the

disabled citizens of our province has been available.

### 1020

The survey tells us that about 14 per cent of Ontario's adults 15 years old and older have a disability. That is about 937,000 people. Among Ontario children, an estimated 114,000, or six per cent, are disabled. On average, disabled Ontarians are older; in fact, 36 per cent of our disabled population are aged 65 and up.

The profile provides extensive information on the income, employment, education, marital status and housing of disabled persons, and I know you will be interested in its information. I should add that next year the office will be publishing even more complete information from the 1986 post-censal survey.

However, taking the current statistical profile for a moment, let's look at the section on accommodation and how many mobility- and sensory-impaired persons identified problems in their present housing. More than 50,000 persons needed, but lacked, such modifications as ramps, widened doorways and handrails, while 32,000 persons had a need for an elevator. A considerable number of disabled persons also had difficulty using fixtures in their homes. For example, 100,000 disabled Ontarians find standard kitchen cabinets to be a problem.

I often make the point in speeches and interviews that most Ontarians take so much for granted. Most people are not only accustomed to using household fixtures with ease, they are also used to choosing where they want to live, deciding on suitable education and careers, pursuing recreational activities that interest them and so much more. That is really what we mean when we talk about integration, participation and equal opportunity.

I voice the concerns of disabled persons within cabinet, the cabinet committee on social policy, the cabinet committee on legislation and all other cabinet committees considering submissions dealing with disability. I also represent the interests of disabled persons on the Premier's Council on Health Strategy. I am proud to be working on behalf of disabled citizens throughout Ontario and pleased to report that we are making progress in our drive for independence and equality.

Before I speak of recent achievements, I want to continue emphasizing the importance of consultation and discussion in my job. Disabled persons and the organizations representing them have intensified their efforts for integration recently. The issues surrounding disability are

gathering momentum, and this is exciting because people with disabilities are using their talents and are working with government and others in the public and private sectors to make things happen.

As just one example, members of the committee may be aware of the recent events at Gallaudet College in Washington, DC. Gallaudet is the world's only post-secondary institution solely for hearing-impaired students, and a number of Canadian students attend Gallaudet. When a hearing president was chosen, students protested until their favoured candidate, Irving King Jordan, a highly respected deaf academic, was named to that position.

Advocates for disabled persons everywhere view this as a positive example of people taking their destinies into their own hands and lobbying effectively for their rights. While government can make a major contribution to the integration of disabled persons, it cannot accomplish it single-handedly. The support of individuals, family and friends, communities, municipalities, business, service clubs—in short, all of us—is needed.

This was the message of the first National Access Awareness Week at the beginning of June. It was a grass-roots effort to get people across the country to take a look at their communities and to make a personal effort to ensure they are more accessible to disabled persons.

National Access Awareness Week was the brainchild of Rick Hansen. At the completion of his Man in Motion world tour he said, "You see, dreams do still come true."

But that was not enough for him. He saw National Access Awareness Week as an ideal way to channel into action the outpouring of public support he received. Some communities across Ontario held special events during this week to help raise public awareness of the achievements and concerns of disabled persons. People were asked to aim for five-star communities where the five basic elements—housing, employment, transportation, recreation and education—are accessible.

For example, Hamilton sponsored a week-long series of specialized displays and workshops. They focused on a particular concern of disabled persons each day, such as employment or transportation. During the first National Access Awareness Week, I visited Ottawa, Peterborough, Kingston, Hamilton, Windsor, Scarborough and Sudbury to get the message out through speeches and radio and television



interviews that disabled persons can accomplish much, given the chance. Everywhere there is an increasing public commitment to integration.

This support and these changed attitudes are an essential complement to the Ontario government's initiatives. However, enlightened social attitudes, while valuable, are not enough. Disabled persons must have rights enshrined in legislation. That is why the proclamation of the access amendments to the Ontario Human Rights Code on April 18 was so crucial.

My colleague the Minister of Citizenship (Mr. Phillips) and I worked hard for the proclamation of these amendments, strongly supported by disabled persons' organizations. The access amendments to the Ontario Human Rights Code, specifically sections 10, 16 and 24, are a powerful means of promoting and enforcing equality. They help grant to disabled persons access to goods and services fundamental to independence and dignity.

Most Ontarians have taken access for granted, but disabled persons have not enjoyed this right fully until now. Under previous provisions of the code, it was not considered discriminatory to fail to provide access to a building or a facility that lacked the necessary physical features to allow such access. As just one example, a wheelchair user who could not get into a building, solely because there was no wheelchair ramp, could not have brought a complaint of discrimination on the grounds of handicap to the human rights commission.

The new amendments mean that such a denial of access is illegal. Special needs must be accommodated unless it would be an undue hardship for the provider. Boards of inquiry and courts will rule on what constitutes undue hardship.

The access amendments will present a challenge to this province, especially to the municipalities, businesses and, not least, the government of Ontario. Right now the Office for Disabled Persons is chairing an interministry committee that is examining access to all Ontario-government-owned and government-leased buildings and those of agencies, boards and commissions directly accountable to the Ontario government. The committee will report to cabinet with recommendations by the end of 1988. This is a key project, since the Ontario government must show leadership in responding to the access amendments.

Another important initiative in recent months was the establishment of a specialized assessment and treatment centre for persons with

acquired head injuries at Chedoke-McMaster Hospitals in Hamilton. In the past few years, the number of people who survive accidents with traumatic head injuries has increased. These individuals often have complex needs and physical, emotional and learning disabilities. Just before Christmas 1987, with my colleague the Minister of Health (Mrs. Caplan) I was pleased to open officially a new 18-bed unit at Chedoke-McMaster. The unit, which cost \$3.9 million, will provide assessment, treatment and rehabilitation for head-injured people with the most urgent and complex needs. It is the first phase of a province-wide network of services for head-injured people which recognizes the particular personal and family stress resulting from this disability.

### 1030

In recent months there have also been more affordable housing initiatives. As we all know, affordable housing is one of the most important issues today, especially in Metro Toronto, and for disabled persons there is an ever increasing need for housing that is not only affordable but also physically accessible. In the April budget the government made additional funding for non-profit housing for disabled persons available as part of the 30,000 nonprofit rental units it expects to fund in the next three to five years. Total cost of this project for lower-cost financing to nonprofit housing groups will be approximately \$2 billion.

A specific initiative of the Office for Disabled Persons to better identify housing needs for disabled persons is our five Homelink centres. This is a pilot project to which we have dedicated \$310,000 over two years. Homelink centres are basically housing registries which bring together disabled tenants looking for accommodation and landlords who can offer physically accessible rental units. The five pilot centres are in Kitchener, London, North Bay, Thunder Bay and Ottawa. They are now in operation. Currently, a consultant is evaluating Homelink to determine if it has proved a useful mechanism for informing more disabled persons about accessible housing.

In the area of transportation, this year I announced with my colleagues the Minister without Portfolio responsible for senior citizens' affairs (Mrs. Wilson) and the Minister of Transportation (Mr. Fulton) that Ontario would spend \$50 million in the next five years to improve services for disabled and elderly people. This money will pay for a total of 2.3 million trips in 63 participating municipalities, including



the purchase of an additional 125 accessible buses.

In addition, the Ontario government is developing a portable permit system which would apply across the province to solve some of the problems with municipal disabled parking programs. Ministries involved are Transportation, the Solicitor General, Municipal Affairs and my office. Right now there is no consistency across Ontario and disabled drivers find themselves getting parking tickets in certain municipalities without suitable parking programs. In August I spoke on this vital topic to the Association of Municipalities of Ontario to urge its co-operation as much as possible. As I said at the time, parking is something most of us do every day without thinking. Disabled persons should not be facing obstacles, especially when transportation is so important to their lives.

A related initiative was the introduction of accessible taxis at selected locations for persons who cannot use regular taxi facilities. A pilot project has been operating in Sudbury for several months now and we are planning accessible taxi service in a variety of other areas such as Toronto's Pearson International Airport, Ottawa, Sault Ste. Marie and Kitchener.

These are some examples of recent achievements of the Ontario government on behalf of disabled persons. I have been proud to act as an advocate on behalf of disabled persons and their organizations and to have helped shape Ontario government policy on disability. In addition to this internal work, however, I have also been actively promoting integration, participation and equality at conferences, forums and public gatherings around the province. In the first half of 1988-89, I have spoken to a wide variety of groups, getting out the message that we all have a part to play in making our society more accessible.

Audiences included the international vocational rehabilitation seminar; the opening of the Artists First Gallery, which specializes in the work of artists who have disabilities; a Hamilton forum on disability and employment; International Business Machines; the Ontario Head Injury Association; the Canadian Hearing Society; the opening of the Canadian guide dogs for the blind training facility near Ottawa; the annual conference of the Federation for the Cerebral Palsied Ontario; an event celebrating the completion of an important research study on technology and disabled persons conducted by the University of Toronto, IBM and the Hugh MacMillan

Medical Centre; and a number more which are not listed.

These are varied audiences and conferences, which emphasizes my earlier point that wide-ranging consultation is absolutely necessary so that we may continue our progress towards equality and integration. None the less, the key players in this social movement remain disabled persons and the organizations representing them. More than anyone else, they know what they want and where they want to go.

I have met and consulted with numerous disabled consumer groups and organizations which assist disabled persons in the first half of this 1988-89 year, including DAWN, the Disabled Women's Network; PUSH, or Persons United for Self-Help; the Canadian Mental Health Association; the Canadian Hearing Society and representatives from the Ontario Association of the Deaf; the March of Dimes; Queen Street Mental Health Centre; and many more.

I have been talking about my activities as minister, but now I would like to turn to our future plans, because the agenda is still long. However, in the next 12 months, we have targeted specific areas to move on, namely transportation, advocacy for vulnerable adults, employment equity and reducing communication barriers facing disabled persons in dealing with government.

In transportation, the interministerial committee on accessible transportation for disabled persons has now completed its draft report. The committee has heard extremely varied opinions and information regarding the technical, financial and operational implications of developing an integrated provincial transportation system. There is also a need to improve specialized transit services and enlarge geographic areas served, and all of these issues have been developed in the form of a single long-term strategy. The report is now awaiting cabinet consideration.

Advocacy for vulnerable adults, including the frail elderly and physically, developmentally or psychiatrically disabled persons, is of major concern to many groups and individuals. An interministerial committee is studying the O'Sullivan, Fram and Manson reports, all of which concern advocacy. In 1989, the committee will present options for responding to the issues voiced in these reports.

In the public sector, it is vitally important that the Ontario public service reflect the diversity of our population. The human resources secretariat, with the help of an interministerial committee, is developing a strategy to ensure that employment

equity is in place. That includes setting goals and timetables for the hiring of more disabled persons. Staff at the secretariat, in co-operation with ministries and agencies, is in the process of carrying out a physical needs analysis of jobs in the Ontario public services. They are now exploring ideas relating to staffing policies, training of managers and outreach advertising. While this is under way, we still have some way to go.

Employment equity will be a positive role model for the larger public and private sectors, although I realize that some private sector firms such as McDonald's and International Business Machines already have such policies. Employment equity is not only good for previously disadvantaged individuals; it also ensures that employers do not lose out on the valuable skills and energies of disabled persons.

#### 1040

I came into this office with the personal goal that disabled Ontarians would have access to government information in usable forms.

The first part of the study dealing with print-handicapped persons is nearing completion and will be on the agenda of Management Board. "Print-handicapped" refers to several groups, including blind and visually-impaired persons and those who have developmental or learning disabilities. Since most government information, including job advertisements, is at present only in print form, there can be difficulties. We are recommending that government pamphlets, reports and publications be provided on request in Braille, large print or audio-cassette tape.

The two remaining parts of the projects, to cover hearing- and speech-impaired individuals, will be completed in the next 12 months.

In my office, all minister's correspondence going to individuals known to be print-handicapped is on tape. Also, TDDs—telecommunications devices for the deaf—and sign-language interpreters can be available whenever needed. My boardroom is also fully equipped with an FM system to assist hearing-impaired individuals.

As you know, George Thomson chaired the comprehensive Social Assistance Review Committee, which reported in September. Its bold and innovative recommendations will have far-reaching consequences for many Ontarians, including disabled persons. That is because it addresses questions such as the lack of current incentives to encourage social assistance recipients to seek employment and the need to reduce the number of categories of claimants. The

government is carefully considering all the report's recommendations.

Another issue we are dealing with is the education of hearing-impaired students. The member for Scarborough West (Mr. R. F. Johnston), presented a resolution in the Legislature in April calling for the Ministry of Education to conduct a review of its educational programs, teaching methods and hiring policies as they apply to deaf and hearing-impaired students.

This is a complex issue because there are a number of approaches among the deaf and hearing-impaired persons. One view favours the auditory-aural approach, which stresses lip reading and speaking. Another supports the exclusive use of sign language. American sign language, which is conceptually based, is often preferred to signed, manually congruent English. Basically, it is the difference between signs that represent whole words or expressions and the use of signs for individual letters.

At present, the Ministry of Education supports auditory-aural education or Total Communication, which is a combination of auditory-aural and signed congruent English. In the next school year, they will be conducting a review of public schools serving hearing-impaired students. My office will act in an advisory capacity to ensure that deaf and hearing-impaired students have the widest possible choice of options.

Still on the topic of hearing-impaired persons, as you know the member for Durham West (Mrs. Stoner), has presented a draft bill to ensure that deaf persons with hearing-ear dogs enjoy the same rights as blind persons with guide dogs under the Blind Persons' Rights Act.

I would now like to turn to the question of physical accessibility and my office's contract with the Barrier-Free Design Centre. This consists of a grant of \$200,000 in each of three years. The Barrier-Free Design Centre is a nonprofit agency that promotes greater awareness of the need for physically accessible buildings and environments. Many architects, designers and builders do not know enough about the needs of disabled persons who want to live independently.

The barrier-free design centre educates architects on the kinds of building designs and modifications which allow disabled persons to live independently.

People generally think of barrier-free design as being ramps and elevators, but it has a broader definition that includes such features as three-dimensional signs for visually impaired people and flashing lights as fire alarms for deaf people.



Centre staff have developed an extensive catalogue of product literature on barrier-free design and have printed case study kits on barrier-free design. They have also created and produced a 16-week credit course at Humber College of Applied Arts and Technology in Toronto.

They are now concentrating on nonresidential design and are developing such tools as a video for students of architecture and design which highlights barriers to physical accessibility.

I should add that the barrier-free design centre also has an annual contract worth up to \$100,000, funded equally by my office and the Office for Senior Citizens' Affairs to provide advice and technical expertise for community centre renovations carried out under the Access Fund Capital Grants Program. I will discuss the access fund in greater detail later in this statement.

However, before I turn to the recent work of the office's community initiatives section, I would like to mention the Ontario Advisory Council for Disabled Persons. It is a great source of expert advice to me in my work and to the government as a whole. As an arm's length agency of the Ontario government, I know I can always turn to the advisory council for informed guidance, as we all work towards integration and equality.

Last spring, the council released an in-depth report entitled *Independent Living: The Time is Now*. I have forwarded it to all members of the Legislature. This excellent report investigates the issue of independent living assistance for disabled persons who require it. It makes recommendations on such issues as consumer-directed assistance and the training of people who perform these tasks. As always, this report contains innovative and useful suggestions and is currently under review.

The next area the advisory council is dealing with is the topic of employment and disability. They will hold consultations with disabled persons at special meetings in Toronto, Sudbury and Hamilton. I would like to thank all 17 members of the council for their exceptional contribution, especially my chairman, Ron McInnes, who was introduced to all of you earlier this morning.

I have appreciated his leadership of the council and was pleased that he has accepted to serve another term. Ron has been involved with the advisory council since April, 1983 and I would like to thank him for his bold leadership and tremendous contribution over the years.

Now I would like to turn your attention to the community initiatives section of the Office for Disabled Persons. It has dual responsibility of fostering good relations with disability organizations and agencies, as well as acting as a central source on programs for disabled persons.

The access fund, a capital grant with \$15 million over three years, is a major joint program of the Office for Disabled Persons and the Office for Senior Citizens' Affairs, with my office having overall operational responsibility.

It offers matching grants of up to \$50,000 to community nonprofit organizations for renovations that improve physical accessibility to their meeting facilities.

#### 1050

There are five successive deadlines for applications, up to October 31, 1989. For the second deadline of April 1, 1988, my office approved \$1.53 million to 67 organizations.

Among those that were approved is the North Bay YMCA, which received \$3,700 for disabled parking facilities and installation of a walkway, ramp and signage. In Braeside, the Arnprior District Association for Community Living received \$8,000 to install three ramps and widen six doors, and the Islington-Etobicoke Senior Citizens' Centre in Metro Toronto received \$49,000 to install an elevator on its premises.

These are examples of the types of renovations that really assist persons with disabilities and senior citizens to participate fully in community life.

The next two deadlines for access fund grants are April 1, 1989, and October 1, 1989.

Another program that furthers grass-roots involvement is the community action fund. This fund continues to promote the goals of integration and community participation. The community action fund budget was \$900,000 in 1988-1989. The fund pays for one-time projects such as needs studies, radio programming and audio-visual material. For example, VIEWS, an organization for visually impaired persons in Mississauga, received \$4,000 for a parent education conference.

Also, \$13,000 went to—

**M. Sauvé:**—l'Agence de services communautaires.

**Hon. Mr. Mancini:** Mr. Sauvé, would you like to say that again?

**M. Sauvé:** L'Agence de services communautaires.

**Hon. Mr. Mancini:** De Hawkesbury, how is that? Merci.



This group received \$13,000 for developing recreation programs for disabled persons, and the Rolling Thunder Theatre Company in Brantford received \$10,000 for marketing and promoting a new play. If anyone here has seen the Rolling Thunder Theatre band, I think they are aware of the tremendous contribution they make in the field of art and theatre.

**Mrs. Marland:** Phil Gillies brought them down to Queen's Park when he was the member for Brantford.

**Hon. Mr. Mancini:** Well, he did a great service.

**Mrs. Marland:** And then we saw them in Ottawa, right?

**Hon. Mr. Mancini:** Yes, we did.

**Mrs. Marland:** Marvellous.

**Hon. Mr. Mancini:** A new project of the office is a grant of \$250,000 to Action Awareness to stimulate community awareness of disabled persons' needs and abilities. Association president Beryl Potter is a well-known disabled activist. The grant to Action Awareness will cover school visits, displays, workshops, seminars and community awareness days across Ontario.

The community initiatives section also organizes several important awards programs that recognize people who have made important contributions towards an accessible society.

The Premier's awards for accessibility honour architects, landscape architects, engineers and designers for excellence in barrier-free design. This year, I had the pleasure of presenting the awards to a number of talented individuals. The top winner was Laurence Glazer for the new Toronto Real Estate Board headquarters in Don Mills.

I was particularly impressed that a private sector facility had built accessibility into its design from the beginning, so it was also a pleasure to present the owner's award to board president Edward Hou.

The deadline for entries for this year's awards was October 30, and I look forward to joining the Premier in presenting the 1988 awards next spring.

My office also sponsors the community action awards each year to recognize the outstanding achievements of disabled persons and individuals who have worked extensively with disabled persons. This year, 12 individuals will receive community action awards on November 18 for their tremendous effort to generate greater public awareness of the abilities of disabled persons.

My legislative colleagues, the member for Hamilton West (Mr. Allen) and member for Mississauga South (Mrs. Marland), were on the selection committee that chose these 12 individuals from many worthy entries. This year's community action award recipients include Roy Hysen, a deaf athlete who has been active for many years promoting athletics for deaf persons; Betty Lou Van Horn of Manitoulin Island, an impressive medal-winning skier who is also developmentally disabled; and Vicki Keith of Kingston who captured the hearts of so many Ontarians this summer when she swam all five Great Lakes to raise funds for Variety Village Sports Complex.

As I mentioned earlier, the other main task of the community initiatives section is to provide information on programs and services for disabled persons, working as a general clearing-house.

Information services receives telephone inquiries from disabled persons and their families, medical and rehabilitation professionals, MPPs, businessmen and consumers. Calls are on a wide variety of subjects, from access to public buildings to employment for persons with disabilities. During the six-month period ending July 29, 1988, information services handled about 570 inquiries by phone and by letter per month. In addition, 140 callers requested information materials. In response, staff sent out approximately 2,550 information items each month.

Last September, you may recall that we installed an ingoing wide area telephone service line so that all Ontarians could call toll free. The number is 1-800-387-4456. It has been a success. In the same six-month period, toll-free calls averaged 237 per month.

A very useful information tool for disabled Ontarians and their families is the Guide for Disabled Persons to Ontario Government Programs and Services. The guide, which is produced by the communications section, provides a comprehensive look at assistance the Ontario government provides to disabled persons.

We have published a revised version of the guide this year because of the importance of providing up-to-date information. It is available in English and French, and on tape for print-handicapped persons. To assist more Ontarians in their own languages, we also publish versions in Portuguese and Italian and this year, for the first time, in Chinese.

Other publications include the Guide for Disabled Drivers, produced co-operatively with the Ministry of Transportation. It gives information on suppliers of disabled driving instruction, adaptive aids, insurance and so on. A new edition, to be available shortly, will include information on safety as one of the ways in which we are complying with recommendations from a coroner's inquest into the death of a disabled person from injuries complicated by hypothermia after an accident.

Another publication, Courier, is a quarterly newsletter that provides a communications link among the office, disabled individuals and organizations.

The communications section promotes awareness, both of government programs and of the abilities of disabled persons. Agencies and organizations have told us that, basically, they see their work as specific to particular disabilities. But they see our job as one of changing public attitudes. Barriers are gradually disappearing, but there are still too many people who have outmoded ideas about what disabled persons can do and how they can take part fully in community life.

#### 1100

I want to tell you about our awareness/education campaign, which is tackling this crucial issue. After consultation with disabled and nondisabled consumers and organizations, we instructed our agency, Vickers and Benson Advertising Ltd., to prepare a campaign that would vividly illustrate the abilities of disabled persons.

The campaign theme became, "Do you have an open mind?" Four disabled persons were selected to talk for television in their own words about public attitudes. They were, respectively, a paraplegic pharmacist, a blind activist, a hearing-impaired student and a part-time actor who has Down Syndrome. Two of the ads were also transferred to print and this fall we have added a third print ad using a 20-year-old woman who is deaf as a result of meningitis just before her second birthday.

Reaction to the campaign has been extremely positive, and it has come from a wide spectrum, including Volkswagen Canada, Canada's Wonderland, Manufacturers Life, doctors, educators, municipalities and the general public. Molson breweries is using the TV ads for staff training. Best of all, disabled Ontarians like the ads.

Perhaps the nicest letter of all came from a mother in London who wrote for a poster of pharmacist Les Lam in his wheelchair. She

wanted her son, who has muscular dystrophy, to see that, as she put it, "He does have a chance for a future."

The campaign, I am proud to report, is a finalist in the prestigious Media Access awards in California. To make the finals, our campaign surpassed stiff competition, including an entry from the Smithsonian Institute.

To mount this awareness campaign, we bridged the financing over two fiscal years, with the production and some advertising costs in last year's budget and a further six weeks of TV in this fiscal year. Our fall campaign is limited to print.

I am extremely aware that there is more to do. For instance, we have not yet touched on nonvisible disabilities such as epilepsy or psychiatric conditions. I think our friend the member for Nickel Belt (Mr. Laughren) made a fairly generous statement about epilepsy yesterday in the Legislature.

Our awareness activities include reaching out to media with a glossary of acceptable terminology, a source list of names and phone numbers for consumer groups and service providers and a half-day briefing session for media, planned and organized by the Office for Disabled Persons' communications section and representatives of a cross-section of organizations.

As you have heard in this statement, the Ontario government, in fact society as a whole, must move on many fronts if we are to achieve our goals of equality and integration for persons with difficulties. It will take time, but the work I have been describing is taking us closer to that day. In the meantime, I welcome your questions on the Office for Disabled Persons and all our activities.

I thank the committee members of their kind attention.

**The Vice-Chairman:** As I understand the standing orders on estimates, it is now the opportunity for the critic for the opposition to make a statement. That will be followed by a statement by the critic for the third party. The minister will have the opportunity to respond and then members of the committee generally may respond. I will make a speakers' list as we go.

Mr. Allen, I take it you are the critic. The floor is now yours.

**Mr. Allen:** Thank you very much. Let me compliment you on your election to the chair. I wish you well in that role.

I am delighted to be here with the minister to pursue the estimates of his ministry. You will remember that it was about a year ago that we



went through the same exercise, and I guess all of us were a little bit surprised that we came up again so early in the roster when so many other ministries have escaped examination and scrutiny. I am sure, from the ministry's point of view, it is an exercise it might have preferred to postpone and get on with what it feels to be its bread and butter and day-to-day work, pursuing the interests of the disabled in Ontario.

I must say I have some sympathy with that point of view, as I guess most of us involved in election campaigns at several levels these days could have gone with any postponement of any estimates. At the same time, it does provide us with an opportunity to examine again not just the progress of the ministry, but also the progress of the disabled in Ontario.

My own observations as a fairly recent critic in this field are very heartening in that respect. I have seen considerable expansion in recent years of the number of groups that are advocating for the disabled. I have seen more and more of them organized by the disabled themselves. I have seen their talents come forward and blossom. That happens not least of all, of course, in the Ontario Advisory Council for Disabled Persons, which advises the minister, chaired so ably by Mr. McInnes and made up of a number of very active people in his organization, which advocates for the disabled and which, as I said in the House yesterday, produced such useful reports for all of us on central issues that affect disability.

I want, overall, to compliment the minister and the ministry. It is obvious that very active work across many aspects of access and rights for the disabled is being pursued by the ministry. The list the minister has given to us this morning is encouraging.

I suppose my one concern is that the ministry itself labours under some disadvantages in terms of scale of budget and number of personnel. I would like to see it a much more substantial ministry. I would like to see it undertaking even more of the good work that it does. I would like to see it having a more direct input, almost, than advice with respect to other ministries.

I would like to see some legislation at some points hedged with provisions that indicated that either the approval of this ministry, where matters touch the disabled, was necessary before projects went ahead, or on the other hand, that the intervention of this ministry with respect to certain programs and projects would be sufficient to halt them until certain features of them were more amenable to the interests of the disabled. I think that would perhaps give you more clout.

I am not quite certain in my own mind on the work of advocacy as to where that best lodges overall. I rather suspect at the moment that in the background there is something of a tussle going on between the Attorney General (Mr. Scott) on the one hand, and the Minister without Portfolio responsible for disabled persons on the other, with respect to who will emerge as the major advocate when we get through all the work on the various commissions, committees and the O'Sullivan, Fram and Manson stuff. Who will in fact be taking up the principal role in that regard?

I have a suspicion that the Attorney General would like to be the king of advocates in Ontario. Of course, he is a powerful man. He has a big ministry and he has lots of legal resources and so on. On the other hand, I am not sure that there is not so much work on so many fronts necessary for him to pursue that it would not be better lodged in a ministry like this. Obviously, if it undertakes that task, it has to be given more substantial powers of intervention in order to effect the proposals, the advocacy that it undertakes on behalf of the disabled.

We obviously, in this field, address a significantly large community. I think most people in Ontario would be surprised to know that there are almost a million people who are disabled in Ontario. It might well elicit even more support. There is a lot of goodwill in the community towards the disabled, but in terms of the specifics of programs and the recognition of the needed scale that is important to meet the needs of the disabled, a recognition of the numbers involved might help the case, were they more widely known.

#### 1110

One note the minister did not strike was to evaluate for us how far those who are handicapped, those who have disabilities, are able to use rights legislation at the moment, whether it is the recently established charter benefits, charter rights provisions in the Canadian Charter of Rights and Freedoms or the newly established right, the reasonable accommodation amendments to the Ontario Human Rights Code.

I think all of us have been aware for a little while, but it shocks one again to read, for example, the observations of Kirk Makin recently in the *Globe and Mail*. He examined the functioning of the Charter of Rights and Freedoms, on who it is benefiting and who it is not benefiting, on who is gaining access and who is not gaining access. As he puts it:

"Most of the early cases under these sections are being initiated instead by groups who are not



disadvantaged, like professional men or corporations, said Kathleen Ruff, director of a federal program to finance constitutional litigation by minority groups.

"She said these litigants have very different views on how anti-discrimination sections of the Charter of Rights and Freedoms should be interpreted. Yet their cases will set crucial legal precedents.

"'Very few disadvantaged groups are benefiting right now from the equality rights sections in the charter,' Ms. Ruff said...."

That is very disturbing. I think that really has to concern us. I hope that would be an area you could perhaps investigate somewhat in the coming year to see if there is not some way this ministry could play some role in seeing that cases affecting the disabled are facilitated through the Charter of Rights into the courts, so that the perspective of the disabled becomes the perspective that dominates the litigation and the precedents that are set, in court case after court case, with respect to the interpretation of the charter. That, I think, is absolutely crucial.

If, in fact, it is those who have power, those who are advantaged and those who have wealth in our society who are able to set the precedents and determine the direction of that legislation, the real purposes of that legislation will have been effectively overturned.

Likewise, with regard to the amendment you referred to, right of reasonable accommodation, I have not been aware myself of the number of cases that have gone forward under those amendments to date, but I would appreciate any information you have for us in that regard. I suspect that as yet it is few, because it has been only a few months since that has been proclaimed. The government was not especially hasty in its proclamation of those provisions. If the minister had some role in bringing that forward, in getting the proclamation done at the date it was accomplished, then I thank him for that personally and I am sure all disabled people in Ontario do.

In my own community, we have some very refined facilities that relate to those who are disabled. The work that has been done for years at Chedoke-McMaster Hospital has been front-line work in that field. There has been some real appreciation on my part that they have been able, with the assistance of the government, to move further into that field and into the area of head injuries in a very highly specialized way, and to serve the province effectively in that regard.

You dealt with the area of accessible housing. From time to time, I have disabled people who come to me and say that somehow their disability does not cut much ice with those who are making decisions about whether an apartment will be named as a subsidized space for disabled people. I must confess I have not investigated, but I wonder if you could elaborate for us what the criteria of eligibility are, broadly speaking, municipality by municipality, across this province.

Is it simply questions of wheelchair accessibility, of certain kinds of severe disability, that enable one to gain access to a subsidy for disabled apartments, disabled accessible housing in the province at large? What leverage do you have in municipalities to affect those criteria?

The cases that come to me appear to be very worthy. They are persons who are on disability pensions who certainly cannot afford the going rates of accommodation. They do not happen to need a specially designed housing unit that has lower light switches, the various facilities in the bathroom, the lower counters, wider doorways and all that stuff, but they do have a problem of accessibility in that, for them, affordable housing has virtually disappeared. They may have their own special kind of need in the nature of the accommodation, but it is not the usual one that is preplanned and predesigned in some of the complexes we have to date.

I want to come back at greater length, and I hope the chairman will permit me, to some rather longer remarks on the situation affecting disabled transit and transportation. I do not want to take a long period of time in the preliminary remarks to go into the many issues in that area, but I think it is one it would profit us to look at much more closely than the minister has in his opening statement. Certainly, as the Ontario Advisory Council for Disabled Persons has indicated, it affects the very lifeblood of disabled people. The right to move, in fact, is life itself. If you cannot get around, then you might as well forget about 75 per cent, if not more, of what living is all about.

As you know, the whole emphasis of the report they placed before us a couple of years ago was that no steps should be taken in the field of access to transportation that was not predicated or based upon the development of a long-range, committed agenda or schedule for integrated transportation for the disabled around the province. That has not happened. We have had individual steps in recent months, certainly worthy in themselves, that have of course improved accessibility.

ty, but none of it is linked to any overall vision of what is going to be done with the system as a whole around the province.

I was rather startled, when I went to the national conference for the disabled held by the Speaker of the House of Commons last June, to hear the very first speaker on the very first morning of that conference, the mayor of Mississauga, a very estimable and energetic lady, give a most pessimistic statement to the assembly of both disabled representatives and people like myself who had come from across the country to look in a forward-looking way at the ways in which we can open up the world for the disabled, and to hear her say that the municipalities of Canada—she was speaking for the Canadian association of municipalities, if that is the proper name; I may have it wrong—were simply not prepared to invest in integrated, conventional transit for the disabled, period.

That was a very stunning and disheartening comment, which I took issue with later in the proceedings, but is that where it stands? Is there in fact a roadblock at the municipal level that simply says, "No, this will not happen"? If that is the case, what are the minister and the government going to do to change that?

There are of course various estimates of what the costs are of fully integrated transportation. Some of them are very alarmist in their nature, and I think build in all sorts of escalating financial elements that do not necessarily have to be there. There are others that appear to be more reasonable, but it seems to me that there is looming a major political battle on behalf of the disabled. I hope the minister is going to be there to fight it and to fight it on the right side. As I said, I want to come back to this question in more detail later.

I just want to say that one of the most recent developments, accessible taxis—again, a good move in itself—needs to be watched fairly closely in terms of the administration and the interplay of that with other elements of the accessible transit system as they develop.

**1120**

One of the problems the disabled had with Wheel-Trans in Metro was that there was a separate administration from the conventional public transit administration, which led to considerable problems that would obviously develop when one develops multiple administrative units that are focusing upon the same problem of transportation for the disabled. You are going to get different agendas, different kinds of financing, different kinds of standards,

different all sorts of things. I just worry a little bit that if we start going too piecemeal on this business, we are going to multiply those kinds of problems. The taxi arrangement is one that is perhaps eligible for those problems down the road if we are not careful.

Yes, the minister is right: The disabled themselves are the key. They know what they want and they know where they want to go. I was not more impressed with that at any time than I was at the national conference where, for example, Patrick Worth, a former participant in a sheltered workshop in the Maritimes who has since become a leading spokesperson of one of the disabled advocacy groups in Ontario, spoke to that conference so movingly and explained how he escaped from his sheltered workshop—that one should be talking about that very language, about people having to escape from sheltered workshops, as though we were still back in Dickens's 19th century England.

I would rather get away from that analogy as quickly as I can, because I know conditions are very different. None the less, that anyone involved in something that has appeared to another generation to be so benign as a sheltered workshop should be describing his escape, as though it were from a prison, ought to trouble us.

I mention the fact that Patrick Worth and others—such as the three young people who came to me from North York People First, Marvin Levine and his colleagues—these people are trying to press for change on some very simple things, such as why it is that every day they go into that workshop and have to see on the wall "Workshop for the Mentally Retarded" still written there, stigmatizing them. They have some other names they would prefer and they would like to suggest them.

They also, of course, like many other members of those workshops, remain massively upset with the compensation system, with the interplay of their earnings at the workshops and the deductions that the Ministry of Community and Social Services still exacts whenever they get above a certain earnings level, none of them particularly munificent; with the problems they have with some of the hierarchy of authority in those places; and with the fact that they appear still to be, in effect, very rudimentary in the skills transfers that take place.

I have gone into the workshops in my own riding, one private and the other one run by the Canadian National Institute for the Blind, on a slightly different basis. When you are there at election time and they ask you questions about



the election and want to know about free trade and want to know what is happening on this or that other issue, you begin to realize that there are people in those places who really are reasonably intelligent and can handle much more than they are doing by way of sorting nuts and bolts and putting little assemblies together. Why do we still have those people in those places?

I was as much disappointed in the minister's report in its absence of reference to that particular problem as at anything, because there has been a lot of discussion of it and there have been studies of it. Surely it is time we established a blueprint for moving on from what still remains the traditional sheltered workshop and get on with real employment equity, which is not, of course, just a matter of monetary compensation but of being involved with other people in regular workshops with the supports that are necessary.

I know there are some things and some experiments being done, but the experiments are advanced enough and are persuasive enough that surely it is time for us to develop an active agenda now for moving out of that world of employment for the disabled and into something much more fulfilling.

I note you suggest that next year you are going to be spending more time on transportation advocacy, employment equity and communications in dealing with government, and I hope this will be one of those areas. But surely we have to get on with it. Anybody who was in Ottawa at the conference and saw the little play based on the sheltered workshop would have been struck by how able the disabled are to see the humour and the comedy in the daily routines of their own lives in a sheltered workshop. It was not just a caricature. It was funny comedy at its best, but it certainly was also social commentary at its best. It had a very fundamental point that I hope we will not easily forget.

Yes, I hope the minister will be working on the Thomson materials because in many respects the Thomson report shows the way for some major advances for the disabled, not just in levels of compensation and social assistance, not least of all in doing away with the immense amount of red tape that afflicts all persons on social assistance including the disabled and the incredible delays that overtake appeals at the Social Assistance Review Board, but it even points us beyond into the direction of something, our submission as a party, that we laid before the Thomson commission, namely a universal illness and accident insurance plan.

It only makes good sense, it seems to me, for us to recognize that somebody who is disabled is disabled, and that regardless of what the causes were, they have the same kinds of problems as their colleague with an equivalent disability. We all know the different levels of compensation you get, depending upon whether you were injured at work or at home or how the fault was judged and all the rest of it, and we all know the long hangups that occur in the Workers' Compensation Board over trying to find fault, percentages of disability and all that stuff. It goes back and forth and round and round and eats up immense amounts of money.

It is interesting that a country like New Zealand should have such a plan in place and should find that it works well and does not bankrupt the nation. New Zealand is certainly not as prosperous as Ontario is.

In many respects, and again, not least of all in terms of definitions of disability, the Thomson report points to some very important steps for us down the road that I hope will be taken. I hope the minister is even now pushing very hard to get that first stage implemented. I am finding the Minister of Community and Social Services (Mr. Sweeney) to be very elusive on that question, and we intend, in the Legislature, to keep pressing him on the many problems he is tolerating out there that are remediable on a fairly quick basis within the space of a very few months. He needs to define his agenda, state frankly that he is prepared to accept that first year of reforms, and quite simply, to get on with it.

The argument that he puts, that everything has to move together, is to a certain degree true, but there are many initiatives at the level of regulation, procedural change, definitional change and so on that can happen very quickly and that would benefit the disabled if they had them.

I thank you for your reference to Richard Johnston's work on deaf education this last year. We had all been quite struck, I think, by the Provincial Auditor's last report which indicated how little, in the field of deaf education, was really being monitored and measured in terms of end results. Yes, we were going through the motions, but nobody seemed to know what it was accomplishing. Obviously, if we are going to apply resources effectively and efficiently, then we need to know the results that we are getting in all of our programs and to keep our eye on the end, which is, namely, how far has one facilitated the entry of people—in this case who are deaf—into the mainstream of our communities on an appropriate basis?



## 1130

I think, by and large, I want to only refer at this point in time, back to transportation, to the matter of independent living, the latest report that has come from the Ontario Advisory Council for Disabled Persons. Independent living, independent living assistance, brokerage arrangements, what have you, all that cluster of options which come together to make it possible for the disabled to live independently are now, I think, well-proven devices. Certainly I think there have been enough pilot projects to indicate that, for many disabled persons who are now living in very dependent circumstances, independence is now a real possibility.

I just want to conclude by saying that I simply agree with Beryl Potter when she says: "We have had so many pilot projects going on in attendant care, it is ridiculous. We do not need them. We need a proper attendant care program." Quite clearly, Mr. Minister, the time to move is now and I hope that you will have something more concrete to say to us in these estimates about the reality of that hope and that option for the disabled in our community. I want to leave my preliminary remarks at that. Mrs. Marland whispered something in my ear that she was going out for a moment or two and would be back.

**Mr. Cureatz:** Mr. Chairman, she spoke to me as to why she is not back. Could we have an adjournment for five minutes? She is engaged also as critic of the Ministry of the Environment.

**Hon. Mr. Mancini:** If you want, Sam, we could have some questions among ourselves. Ron McInnes, chairman of the Advisory Council, has joined us this morning and will be able to stay with us until noon today but, because of other commitments, cannot join us this afternoon. If you have any questions of Mr. McInnes, or if anyone has any questions, we might use our time this way instead of adjourning.

**The Vice-Chairman:** We might. I would be prepared to accept questions, but if Mrs. Marland comes back she will really have the floor, if that is agreeable to the members of the committee. Sam, did you have a question specifically?

**Mr. Cureatz:** Not being a critic, of course, you do not want to start off—

**The Vice-Chairman:** By not being critical?

**Mr. Cureatz:** Critical, that is right; as humble as I am.

**Mr. Fleet:** Thanks for reminding us, Sam.

**Mr. Cureatz:** I have a curiosity question, actually, that has bothered me for some months. I

do not know if the minister is the one to answer that or possibly the chairman. I have seen some well-placed advertisements focusing on the handicapped and the direction the government is taking, which I think is worth while. But it annoyed me a little bit because some of these ads showed our old former colleague, Vince; his last name I have forgotten already. The actor. That is not Vince; what is his name?

**Hon. Mr. Mancini:** That was two years ago, before I was minister.

**Mr. Cureatz:** Was it? Okay. Well, then, we will forgive you.

**Hon. Mr. Mancini:** You are talking about the checkered ads that Julian Reed was involved in.

**Mr. Cureatz:** Something like that. Julian Reed. I can remember one ad down in Dundas. I was on a government committee and we were someplace—I do not know, Collingwood—and there he was again. I felt uncomfortable. I thought if we are talking about disabled, there must be people within that community who can do that. Then I noticed some ads in magazines, an attractive lady telling about the same thing.

**Hon. Mr. Mancini:** She is deaf.

**Mr. Cureatz:** Is she?

**Hon. Mr. Mancini:** She is profoundly deaf.

**Mr. Cureatz:** Good. I think that is terrific. That is the kind of encouragement we should be giving to the disabled. If you are moving in that direction, great. What happened with that? Was there some sensibility, or—?

**Hon. Mr. Mancini:** When I became minister I had the same feelings that you have expressed this morning. I felt that the groups we were trying to represent were in fact running ahead of us. While the ad that was approved by the previous minister and which used Julian Reed, who is a professional actor, as we know was effective in a way, and dealt with a certain point of view and tried to stimulate public reaction, which is very important, I felt the ad had served its purpose and that all future ads had to change their focus. That is why we went with the four disabled individuals speaking for themselves. They were nonscripted, I want you to know. We find the results of those ads have been tremendous.

I understand your concerns about maybe seeing a former colleague being used in one of these posters, but he is in private life now and that was his profession. The comments that you raise are valid. That is the past, and we are not doing that any longer.

**Mr. Cureatz:** I could really get nasty and—

**The Vice-Chairman:** Please do not.

**Mr. Cureatz:** —express what I really think about the manoeuvrings and how that all unfolded, but having past experience there and having an appreciation and understanding—

**Hon. Mr. Mancini:** As a former minister, you would understand.

**Mr. Cureatz:** That is right, but I will spare you, because I am never one for antagonizing unnecessarily a situation that I think we all work positively towards. It is difficult to attack a minister in terms of this kind of portfolio when I think we all conscientiously believe there are mutual areas where all parties cross lines, and we are working towards a common goal.

**Hon. Mr. Mancini:** Were you here this morning when I mentioned that our ads are in this competition in California?

**Mr. Cureatz:** Yes.

**Hon. Mr. Mancini:** We are finalists, and we think we are going to win. I think it is going to be a win for disabled persons, for the province and for the movement we are trying to lead.

**Mr. Cureatz:** I feel much more comfortable about that.

**Hon. Mr. Mancini:** Thanks.

**Mr. Cureatz:** On some issues I think a government can get away with being political about how it projects its ministry, but on this one, we would like to draw the line and say, "Look, let's work towards what we are really working for."

**Hon. Mr. Mancini:** Since I have been minister, I do not think you can point to any political advertising.

**Mr. Cureatz:** Good.

**Mr. Allen:** It was suggested that Mr. McInnes would not be here this afternoon. I do not know whether that means he is going to be back on some occasion, but it would be an appropriate time, in an introductory way, for him to come forward perhaps and to evaluate from his perspective what the progress of the disabled has been over the past year—

**The Vice-Chairman:** Good suggestion.

**Mr. Allen:** —since our last estimates and perhaps tell us a little bit about how they will be going about their research on the crucial question of employment disability that the minister referred to yesterday.

**The Vice-Chairman:** Perhaps he could do that.

**Mr. Callahan:** I have a very short question. I would like to follow up on Mr. Allen's comments about the structured workshops. Early in 1985, when I was elected, a lady came to me who runs Christina Creations, I think it is called. They make dolls. You may remember that I gave dolls to the Speaker, the Premier and so on.

One of the things that struck me—and she did address the Social Assistance Review Committee—was precisely that. In the past, disabled people have been put into workshops where it is really demeaning to them. We do not identify that they have the amount of intelligence that they do have nor the things they can do. This woman really raised the issue that she wanted to pay these people very much more than she was allowed to pay them, but because of this deduction when they go over their pension, she could not do it. I am sure that your ministry, reading through this, is showing sensitivity to that.

If we wish to truly demonstrate to these people that we accept them as full members of society and that they are in fact people who we consider with pride that they should have work of that type, that is one of the stumbling blocks that has to be taken away in order to allow people such as this lady and others to act.

**The Vice-Chairman:** I am sure there was a question in there somewhere. I am going to take you off the speakers list.

**Mr. Callahan:** I just wanted to emphasize what Mr. Allen had said. I think that is very important.

**The Vice-Chairman:** That is fine. The minister may want to respond to that.

**Hon. Mr. Mancini:** I have met with the lady that Mr. Callahan speaks of and know of her work, which I think is a tribute to the community. I understand the difficulties that both he and Mr. Allen have alluded to. As we look down the road, yes, these are things we want to do something about. The workshops, in my view, were originally set up, or should have been originally set up to be a transition, to be used as a tool to get people with disabilities some experience and exposure to the workplace environment. That would assist them in going into the private sector or any other sector after a period of time.

I agree with you that it probably has not been accomplished at the rate of speed which would satisfy us. None the less, that is where I see the workshops from a philosophical point of view, as one of the steps in getting persons with developmental and other disabilities from the home, to the workshop, out into the real work environ-



ment, if I could use those words. I do not see the workshop as an end in itself. I do not see that as being the last stop.

1140

**Mr. Callahan:** Thank you.

**The Vice-Chairman:** Welcome, Ron. This is Ron McInnes, the chairman of the Ontario Advisory Council on Disabled Persons. I am glad Mr. Allen suggested that you now have an opportunity. Please proceed.

**Mr. McInnes:** Thank you. Perhaps today I could just ask Mr. Allen again to indicate what areas he would like me to talk about. I assume everyone on the committee is familiar with the council and its mandate. I would certainly be pleased to talk about that.

**The Vice-Chairman:** First of all, do not start with that assumption.

**Mr. McInnes:** Our annual report, as you know, was tabled in the Legislature yesterday and it does contain the mandate which, boiling down the essential part, is to advise the minister on the issues and programs related to disabled persons. There is more in the mandate, but I think that is our essential point.

We have 17 members, including myself, from all different parts of Ontario. We have both able and disabled members on the council. They come from different parts of the province. They are either involved with or have a variety of disabilities. We try to have people on the council who can speak first hand on these disabilities and are able to give us the input when issues come up, whereas persons not as familiar with them may not see the implication of looking at it from a different viewpoint.

We meet approximately five times a year as a full council. There are two reasons we do not meet more often. One, of course, is budgetary, but the second one is that everyone on the council is employed or at least engaged in other activities somewhere around the province. Many of our members use their vacation time to attend the meetings, so there is only so much that we can expect of them. We do keep in touch and supply them with a variety of materials that come through our office and that our staff provides. We have an excellent staff that does a lot of work in between meetings, so that when we do meet we can use that time to full advantage.

Over the past two years, and this year, rather than take the position of trying to respond to every issue that comes up or to be available on an ad hoc basis to respond to all the requests—and we do get a great many requests, more now than in

the past, and that is indicative of the increase in profile of the council.

**Mr. Allen:** Where do the requests come from?

**Mr. McInnes:** We get requests from a variety of ministries that are undertaking some study or considering some program that may or may not impact on us, but we get quite a few requests now which I would say we were not getting four years ago or which maybe we would hear about after the fact. Now we are seeing more and more people coming to us with their ideas or for discussion either on a confidential basis or on an open basis, depending on where the matter stands, to get our viewpoint before the matter gets too far along the line and the views get crystallized.

We try to deal with that as much as we can, but we also try to have a focus each year and to produce a substantial report. It has been mentioned that, over the last two years, we have produced the transportation report; the past fiscal year, the independent living report; and we are now engaged in the study of employment. We do not see this as being a one-year project. We feel that there are too many issues involved to deal with it in one year.

Our goal for this year is to try to produce some discussion papers, or even just preliminary reports in certain areas. We have three committees, each of which is working on a different aspect. As I see it anyway, next year we will try to pull all of that together with the additional information and some further information from consultations and perhaps by the end of next year, we will be in a position to produce a comprehensive report on all of the issues that we see involving employment and the disabled persons.

I guess one other thing I could mention is that we have also been attempting to extend our scope. I expect at least some of you know that the name of the council was changed from the Ontario Advisory Council on the Physically Handicapped to the Ontario Advisory Council for Disabled Persons. Part of the intention of that was to widen our scope from strictly physical handicaps to look at what we could do, and if there were people who wanted us to do it, in the areas of developmental handicaps, learning disabilities and psychiatric disorders.

We are working at that. Some of our newer members have some experience in that field which they have been sharing with us. We have had guests in at various meetings to discuss some of the issues, including some of the ones brought up in the advocacy reports. It is still, I would say,



a developing area for us. I do not think we quite have the competence or the experience to go too deeply into that, but I think it is something we are getting more up to speed on and I hope to see the council able to deal with it more in the future.

**The Vice-Chairman:** Are there any other questions from any member of the committee?

**Mr. Allen:** I guess the first question I would have, Ron, as you go about your research on this coming issue and, of course, as you have done it on previous issues—transportation, independent living—what is the scale of research staff and capacity that you have available to yourself in the council and how adequate is that?

**Mr. McInnes:** We share a staff with the Ontario Advisory Council for Senior Citizens. Our total staff consists of our executive officer, Mary Tate, who is here today; two research assistants, one of whom is nominally assigned to each of the two councils, but both of whom are able to deal with both councils when the need arises; a research intern, an administrative assistant, two word processors and a receptionist.

So our research staff really consists, apart from Mary's input, which is not inconsiderable, of our two research assistants and our research intern, which is an increase over a couple of years ago when we were dealing simply with a shared research assistant. That has been increased.

I think we keep them as busy as any research assistants in government, to produce these reports. Considering the number of meetings we have, we depend on them a lot to put together the information and to prepare drafts for consideration by council after instruction from the various committees.

Usually one of those persons sits in on each committee meeting that we hold, in conjunction with our council meetings. Certainly the more research capacity you have, the better the report you are able to produce. Frankly, I think it is marvellous, for lack of a better word that comes to mind right at the moment, that with the size of staff that we have we have been able to produce the two reports that have come down in the last two years.

I would have to say that certainly more research assistants would enable us to probably do more things and to do more things quickly and, perhaps, even more comprehensively. I think we are using them to their limit at the moment.

**1150**

**Mr. Allen:** I am sure you are. Now that I hear the scale of the resources, I am even more

impressed with the report. I gather you are saying those research personnel do not overlap with any research capacity in the ministry?

**Mr. McInnes:** That is right.

**Mr. Allen:** You do not lean on them, in addition, for backup for research projects by the council? What you do is strictly the product of your own staff and that is that?

**Mr. McInnes:** If there is information available in the minister's office, statistics, programs and that type of thing, we use it. We keep in close contact with people in his office. If that information is available, we do not reinvent the wheel. We may take a different view of it than perhaps some of his policy people, but we keep in close contact.

**Mr. Allen:** It really does strike me, if you are moving into a very tangled area which has so many different issues involved as employment and the disabled, that it would be very useful, Mr. Minister, to have a further accession of research staff for the council to do a really outstanding job on that.

May I continue, Mr. Chairman?

**The Vice-Chairman:** I think Mr. Callahan has indicated, if you do not mind.

**Mr. Callahan:** I just wanted to ask a question that came out. Maybe I am asking a question that should be obvious, but you say that you used the research staff of the Ontario Advisory Council on Senior Citizens. Is there an interlink between your group and the seniors group?

**Mr. McInnes:** Yes, ever since I have been associated with those two councils, the Ontario Advisory Council on Senior Citizens and our council have shared a staff. We share all of the people whom I mentioned before.

As I indicated, one of the research assistants is nominally assigned to our council and the other to the seniors council, but depending on the workload and the timing and what not, we may be using both of them at a certain time and the seniors council may be using both of them.

**Mr. Callahan:** I was really more interested in whether or not there is an interlocking—say, some seniors on your council and some disabled people on their council, because there really is, in essence, a very strong analogy.

Seniors, when they reach a certain stage in life, do become disabled and perhaps face some of the barriers and the problems that disabled people face and perhaps are in a position to exchange ideas between the two councils to try to give a co-ordinated effort to the two ministries that are involved, because they do overlap.

There is transportation for seniors. That is only one I can think of, but I am sure there is a whole host of them. Independent living for seniors, when they become disabled through infirmity or whatever, require the same type of input and information. I was just curious as to whether there is, or if you have ever considered, having this liaison between the two groups by having a person from your group on theirs and theirs on yours.

**Mr. McInnes:** There are a few points that you brought out. First, the transportation report that we did two years ago was done in conjunction with the seniors council. Both were involved in it and both approved it.

There are a number of issues that are common. I am in touch with some of those. Ivy St. Lawrence is the chairman of the seniors council. Of course, having a shared staff, we are usually made aware of any overlapping of issues at the staff level. We have at least one person on our council who is a senior, but he is not a member of the seniors council.

I cannot speak for the seniors council as to its membership but there is no formal interlocking. It is on an informal basis. That seems to be consistent with what the people want in the two groups.

There is a resistance among disabled people to be grouped with elderly, especially, I would say, in housing, which is one prime example, but in a number of other areas too. The same thing applies to seniors. Seniors do not like the idea of being grouped with disabled, with the thought that as soon as you become a senior you qualify as being disabled.

It is a feeling that I think is pretty strong throughout both communities. I think for that reason that it would not be in the best interests of the councils to have any formal linkage. I think the informal linkage that we have now deals with the issues that are common to both of us.

**Mr. Callahan:** When you look at seniors and the volunteer work they do in driving people to hospitals and so on and various other things, there is a tremendous pool of people there who want to be needed, seniors who are retired and want something to do, that could almost be linked with those of the disabled who require some method that either will become an interim measure until transportation is such that they can get along on their own, or other services that seniors could provide that perhaps the disabled are not receiving now because we have not reached that stage or for whatever other reasons,

probably the most apparent one being funding, lack of funds.

I wonder if that has ever been investigated. Offer them a meaningful purpose and at the same time assist the people who are disabled in terms of getting around or any number of other projects.

**Mr. McInnes:** Yes, I think that is fairly clear in the transportation area. As I said, that is an area in which we work very closely with seniors' council to produce that joint report.

In the other areas, it is really not quite so clear. The needs are really different and the wishes of the two constituencies are different as well. They are looking for different things and have different viewpoints.

In transportation, we were able to do it quite successfully. The examples you have used were related to transportation. There we could do it. In the other areas, we do sometimes have some common viewpoints. More often we have different viewpoints because of the age and the different physiological situations involved.

**Mr. Tatham:** I was interested in your comments about the elderly and the disabled not wanting to have too close a liaison. Up in my area, we have a regional centre and of course they are trying to downsize it and a lot of people are going out of the regional centre and going into seniors' housing. There is a conflict there. I wonder what your comments would be. What action should we be taking? How do we do this so that everybody seems to get along? I know that in door-knocking at election time over the last number of years, some of the seniors object to a development which has the handicapped coming out of the institutions into their area; there is a conflict.

**Mr. McInnes:** That is a problem. It is even more of a problem in certain areas of the province where there is not as much housing available, so that the logical thing to do seems to be to use the same building for people who are coming out of institutions as people who are elderly.

But there is a resistance. I cannot speak quite as well for the developmentally handicapped as for the physically handicapped because our experience with developmentally handicapped is relatively recent. Certainly, with the physically handicapped persons, when they get out of hospital or rehabilitation institute or whatever they have been in, they are interested in pursuing an active life, usually with younger people. The majority of people who become physically disabled through traumatic accident are young, as opposed to the disabilities that come with old



age. They want to lead a different type of lifestyle than do the seniors, and having them in the same building usually leads to some conflicts between the two groups.

**The Vice-Chairman:** Unfortunately, it is now 12 o'clock. I expect the bells momentarily for private members' hour calling for a vote. Perhaps we could see if Mr. McInnes can come back at a later date. It will be next Thursday.

**Mr. Callahan:** You can continue until we call your attention to the fact that it is 12 o'clock.

**Mr. Allen:** Or until the bells call us.

**The Vice-Chairman:** We can continue on that basis then. Mrs. Marland obviously is not coming back until after the adjournment, so you may want to continue.

**Mr. Cordiano:** Can I just have one comment with respect to the last set of remarks?

**The Vice-Chairman:** Yes.

**Mr. Cordiano:** With regard to integration, there are some examples of integrated buildings at the present time, between disabled people and a mix of elderly and other people as well. I think some of those buildings are working and are workable. I know there are difficulties there, some of those things need to be ironed out.

There is a building in my riding. It is the Bathurst-Prince Charles project. The National Council of Jewish Women-Toronto section operates that one. It is a fine example of how things are working out. I think things have sort of ironed themselves out over the last year or so that they have been in operation.

Are you suggesting that is not a workable situation for the future?

**Mr. McInnes:** No, if you are referring to a building that is open to all people, disabled, elderly or otherwise, whatever, I think that type of integration is working and is to be commended and encouraged. It was only in the case of buildings that are specifically for seniors where I see the problem arising.

**Mr. Cordiano:** I see. Then there was a change made.

**The Vice-Chairman:** Unfortunately, Mr. Cordiano, we will have to perhaps adjourn your question to a later time. You can have it next time we come back and we have the privilege of having Mr. McInnes here, but I think we should get in for the vote.

The committee recessed at 12:03 p.m.



## AFTERNOON SITTING

The committee resumed at 3:13 p.m. in room 228.

ESTIMATES, OFFICE FOR  
DISABLED PERSONS  
(continued)

**The Vice-Chairman (Mr. Faubert):** Mrs. Marland is here and she has the floor. We were awaiting her arrival.

**Mrs. Marland:** Thank you. May I say I appreciate the committee's indulgence of the fact that those of us in small caucuses wear many hats. I had to leave the committee this morning to put on my environment hat.

**The Vice-Chairman:** We noticed you were sitting on your blue box, but that is okay. Do you have a copy of the minister's brief?

**Mrs. Marland:** Yes, thank you, I do. I think I will go through some details on some of my thoughts on the estimates, in lay language the budgetary review, of this ministry.

Overall, if I have a sadness about where we are with the Office for Disabled Persons, it is a sadness that does not at all reflect on the minister or any member of his staff. I feel, on a personal basis, that this minister, and the members of his staff particularly, are very committed to the cause of disabled people in Ontario today.

However, I feel there is something wrong within the Liberal government framework that permits this ministry, which to me and the members of my caucus is a very important ministry of any government—I think there has to be a stronger, more powerful, more realistic solution to getting problems solved for the disabled people in our province today, rather than somewhere down the road in the future. I think it even says this in the minister's speech. I am just going to flip through the speech in a preliminary way to make the point that I feel you need some very strong support in the cabinet sweepstakes.

I know that your ministry, along with the Office Responsible for Senior Citizens Affairs, is not a full ministry in that you do not have your own budget. You really are an advisory ministry, a policy-making ministry. But with the challenges disabled people in Ontario face today, which are very real and which you have addressed in some of your comments this morning, we now should be stepping into the future with more than a policy ministry. We have

to have a ministry that means action on behalf of those people.

On page 2 you say, "The Office for Disabled Persons has an influential role in bringing a disability perspective to policy-making throughout the Ontario government." You go on to say, "Much of our work consists of advocacy, encouragement and persuasion throughout the government to make sure the needs of disabled persons are fully considered." I think that really highlights what it is I am saying.

When you go on to address numbers, for example on page 3, you talk about: "More than 50,000 persons needed but lacked such modifications as ramps, widened doorways and handrails, while 32,000 persons had a need for an elevator. A considerable number of disabled persons also had difficulty using fixtures in their homes; for example, about 100,000 disabled Ontarians find standard kitchen cabinets to be a problem."

You go on on page 4 to say, "I voice the concerns of disabled persons within cabinet, the cabinet committee on social policy, the cabinet committee on legislation and all other cabinet committees considering submissions dealing with disability."

I do not question that you do that. I know you do that. But my problem, from the perspective of an advocate for disabled people in Ontario, is that I do not think your government is listening to your voice. Because of the role of your ministry, I do not think you have enough clout at that cabinet table when it comes to doing more than listening and putting money and dollars where the programs are needed.

The example you give about Gallaudet College in Washington, DC, about the appointment of its president, is an example in the United States. I wish we had examples like that in Ontario. I think it would be great if we could say, "Look, this is what we're doing in Ontario today."

You talk about more affordable housing initiatives, especially in Metro Toronto. Of course, we must not forget the less densely urban areas than Metro Toronto. I have to tell you that the city of Mississauga—this is being very parochial but it happens to be a fact—is the ninth-largest city in Canada, coming up almost to 500,000 people at this point, and we are not included in Metro Toronto.

When we look at the problems of affordable housing, you talk about the fact that: "In the April

budget the government made additional funding for nonprofit housing for disabled persons available as part of the 30,000 nonprofit rental units it expects to fund in the next three to five years. Total cost of this project for lower-cost financing to nonprofit housing groups will be approximately \$2 billion."

That is a very interesting paragraph, because it does not really say what percentage of those nonprofit units will in fact be directed for the disabled persons. It talks about the number of units for nonprofit in the next three to five years, but I would like to know what the percentage of those units is for the disabled community in Ontario.

I know from being a member of the board of directors of Peel Non-Profit Housing Corp. when I was a regional and city councillor that we were doing a very fine job in Peel in terms of the number of units in all our new buildings, but I would like to hope that is being expanded now that we see how very well it works.

I do think on the Homelink centres, as the pilot project has been planned for two years, obviously we need more of those because they are an excellent, commonsense approach for the purposes for which they are designed and I hope we will end up with at least double the number of centres around the province.

I want to address the factor of transportation that you mention in your speech. You talk about \$10 million a year that is going to be dedicated through the Minister of Transportation (Mr. Fulton). This money will pay for a total of 2.3 million trips in 63 participating municipalities. I am not quite sure how that pays for those trips. Is it subsidizing existing disabled transit systems? If that is what that is addressing, then I have some more comments to make on that because, of course, we have Wheel-Trans in Metro and we have Transhelp in Peel, but there are a lot of municipalities that do not yet have successful transit systems for the disabled.

Could we know where the additional 125 accessible buses are going. That is part of your statement, too, this \$2.3 million, including the purchase of an additional 125 accessible buses. Are those 125 accessible buses in the \$2.3 million, and in any case where are those buses going to be delivered and operating? You say you are developing a portable permit system about parking for disabled. We talked about that over a year ago and I was hoping we would have that program in place by now.

When you talk about speaking to various groups and the fact that you have a wide-ranging

consultation with all of these groups, which is absolutely necessary, you go on to say, "More than anyone else, they know what they want and where they want to go." That is perfectly true, but I would like to add that they want to do that now. They do not want to do it in 1990. They not only want to do it now, minister, they need it now. When you talk about targeted areas and specific areas to move on, namely, transportation, I think you have heard me ask enough questions in the Legislature to know what my concerns are about transportation.

The interministerial committee on accessible transportation for disabled persons has now been completed and it is in its draft report. You say the report is now awaiting cabinet consideration. Could you tell us how long that process is going to take so that these people are not sitting back thinking they are part of a bureaucratic system that just goes on and on with reports and more studies. You said that in 1989 another interministerial committee will present options for responding to the issues voiced in reports from all these different groups; for example, advocacy for vulnerable adults. Again speaking on behalf of this important sector of our community, we would like to see fewer statements about more studies and more reports, but rather more action.

I also want to comment about the Barrier-Free Design Centre. Knowing what their work has—

**The Vice-Chairman:** Mrs. Marland, perhaps you would just lead to it. Would you refer me directly to the page.

**Mrs. Marland:** I am sorry. To the page? Certainly.

**The Vice-Chairman:** We are just seeing this—

**Mrs. Marland:** It starts on page 21.

**The Vice-Chairman:** Okay. Thank you.

**Mrs. Marland:** Now that we recognize what the Barrier-Free Design Centre is doing, I am wondering whether the ministry, in co-ordination with the Ministry of Education and the Ministry of Colleges and Universities, is looking at making mandatory, in the schools of architecture, the colleges of building design and building renovation, and anything to do with construction of facilities of physical plant around the province, requirements that all of this is part of their curriculum in those facilities so that we do not have to go on funding the design centre and so that everybody who will be working in those fields of design will know from their initial training that these are basic requirements to be considered for the disabled community?



In fact, I would go as far as to suggest that these requirements be incorporated into the Ontario Building Code. I recognize the building code deals directly with those features of a building that relate to safety. If you want to put it in simplistic terms, that is what the area of jurisdiction of the Ontario Building Code is directed at.

Would it not be wonderful if the building code could incorporate all the requirements that pertain to the disabled in terms of access and being barrier-free? I would think with disabled people in any physical plant or building it is a matter of safety whether or not that building is barrier-free, and adequate access is what is needed for them to enter and exit a building safely, especially in abnormal situations such as any kind of an emergency within that building.

Since the Social Assistance Review Committee report came out months ago, unfortunately, we really have heard very little about the recommendations. I wonder what the minister would have to say about vocational rehabilitation and about the responses from the groups in the disabled community. On the subject of attendant care, the report from the Ontario Advisory Council for Disabled Persons called *Independent Living: the Time is Now* was released in March 1988, and since then we really have not heard anything from or about its recommendations. We are now talking about six months.

It is unfortunately similar to the report of last year, which was *Freedom to Move is Life Itself*. As I said in the Legislature yesterday, the Ontario Advisory Council for Disabled Persons under the chairmanship of Ron McInnes and the vice-chairmanship of Beryl Potter does an incredible job in bringing these reports to our attention when they have finished the research and the review of their respective areas.

Since that council was established in 1975, their work has been commendable to the greatest degree possible, because not only do they have the insight, the personal knowledge and the background, but they have a tremendous commitment, beyond their own experience to the experience of the greater disabled community in the province.

I have not asked them, but I wonder how councils like this feel after they bring forward such excellent reports. They get the acknowledgement and they get the plaudits at the time, but I wonder how they feel about waiting for action. Certainly we were particularly impressed. I know Dr. Allen, the member of the New Democratic Party who speaks in the same

critic portfolio as I do, and I were both terribly impressed with *Freedom to Move is Life Itself*.

Yet if it does not mean something in terms of action and response, in real terms, for the Liberal government, and not just being referred for more studies, then there must be a level of frustration. There is for me, though I am not speaking on behalf of the council. We certainly need to expand those attendant-care programs at work and at home. We should be striving for disabled persons to be integrated fully into the community. That sounds like a cliché comment, but it is a fact. It is a fact that has been talked about for a long time, but personally I think we have to do far more. I feel, quite frankly, that disabled people should not be prisoners of their disability or prisoners of the inaction of any level of government.

We have had some great suggestions from many sources. Yet, unfortunately, we see very little movement on these recommendations. All the comments and reports and studies and more studies are public relations. It is all window-dressing unless the ministry gets funds. We feel that this ministry should have more funds. We feel that the brokerage program must be established to help expand the attendant-care programs in communities around the province. The fact that it is a liaison between existing services and supplies for the disabled community speaks for itself in terms of its need.

We have 690 clients of support service projects, and 344 persons have been granted attendant care out of a disabled community of 937,000. Minister, this is a drop in the bucket. We are concerned about the fact that the ministry is spending more money on studies and consultant fees and seems to act less, even after it hears more.

I sat through the Wheel-Trans strike for many days when I was waiting for the minister to say something to the disabled community. Unfortunately, he did not say anything and he did not do anything. My questions were directed at that time to the Minister of Labour (Mr. Sorbara). I knew it was obviously a labour dispute. But I think it is time that Wheel-Trans—that is the actual name of the Metropolitan Toronto disabled transit service, but whether it is Transhelp or whatever the name is in whatever the community, it is time in Ontario that those disabled transit systems were deemed an essential service.

The disabled community must not be subjected to an interruption in the provision of their specialized transit. It is not like the rest of us. When there is a transit strike in the public transit



system anywhere, the rest of us can hitchhike. We can hop into taxis. We can car-pool. We can do all of those things. Members of the disabled community become prisoners in their homes if they cannot get out through their specialized transit system.

When we talk about emergency service to meet their needs during those strike periods, the fact of the matter is there is not another service that can meet their needs in an emergency system, other than ambulance. I would not want to get started on an ambulance subject, since in Halton and Mississauga we are now into our third month of an ambulance drivers' strike there too, which also is not deemed an essential service. There are people at risk.

This is the responsibility of the Minister of Labour, but I felt, Mr. Minister, that at the time of the TTC Wheel-Trans strike in Toronto that it would have been great if you had been able to have the opportunity to get up and say something to the disabled community. I really feel that you are just not allowed to be what you want to be and say what you want to say sometimes. Maybe some day I will learn about that myself, but I think it is a fact of life.

I would like to look very briefly at some of the highlights of the budget. First of all, the salaries in the ministry have increased 22 per cent—your explanation is additional hiring for programs. In fact, only five people have been brought on, amounting to what should be an increase of 11.9 per cent. If you add five people, based on what your other average staff salaries are, the overall budget increase should be 11.9 per cent, but we notice that it is increased 22 per cent.

**1540**

The access grants: one of the few programs your ministry actually funds comes under the access grants and you underspent your budget by \$1 million. I am taking the figures out of the estimates. In a recent survey, 60,000 disabled persons indicated that access to buildings and facilities was a major problem, yet you rejected 22 applications. That is out of your figures in this estimates book. You have given reasons for the applications you accepted. I would like you to inform us why 22 applications were denied. I am sure that is information that you are happy to share with us.

**Hon. Mr. Mancini:** For the access grants?

**Mrs. Marland:** The 22 applications that you rejected, I would like to know why.

This year, for the first time, we have a seniors' access fund of \$2.5 million. What we feel is that if special access is needed for seniors—and there

is no question that it is—it would also, no doubt, involve access to the same facilities for disabled persons. Now what we see happening is that people will be applying for the seniors' access and they will be applying for the disabled access, so we create twice the paperwork and twice the confusion. Maybe you would like to clarify it. The point is, the frail, elderly seniors need the same access to the same facilities and locations as do the disabled. If we are saying we have \$5 million for the same program, fine. If you can clarify that, it would be great.

I just want to make another comment on transportation. Did you speak to the Minister of Labour during the Wheel-Trans strike, because I would like to hear what your comments were? Would you agree with deeming disabled transit systems in Ontario an essential service? We also need to improve the transportation integration. Right now we have problems where the systems are transborder between one municipality and the other and we need to improve that integration. We also need to improve whatever integration of other transit systems can be made.

As for the permits you talked about in your speech: Since it is very simple to issue permits that would go on the windshields and be transferable between vehicles no matter what vehicle that disabled person happens to be riding in, could we have a commitment on when that system will be introduced and working? I should tell you that in the city of Mississauga we use a sleeve over the sun visor and it is issued to people who qualify for disabled parking. It works perfectly because it is transferable from one vehicle to another. The city of Mississauga has been using that system for four years now. It would be very simple to copy it and use it around the province. I do think the issuance of that kind of permit for disabled parking is very straightforward. It is not complicated; it is common sense. We have to get it working and not wait any longer for it. It certainly does not need any more studies.

The report of the interministerial committee on accessible transportation for disabled persons that you refer to briefly in your speech is something that you said would be produced in the fall of 1987. You then said it would come in the spring of 1988 and then the fall of 1988. We still do not have it. Mr. Minister, I will have other questions as we proceed through the estimates, but I will look forward to the answers to the questions that I have raised today. I do not expect you to answer them today but I will look forward to having those answers from you.

I know the bottom line of the concern that I have for the disabled community on behalf of our caucus in Ontario is—I will give you an example of what it is that I feel very strongly about. It does not matter who the government is, it does not matter what party the government is, we all know that there is not a money tree down at Queen's Park. We know the government funds at Queen's Park are funds that are there through taxation of the people who live in Ontario. The people in Ontario are very willing to pay their way, but the people in Ontario expect government to prioritize in terms of human need.

When I have the kinds of cases that I have on the books in my office in my constituency in Mississauga South, where I can tell you about an individual whom I mentioned to you last year and the year before. He was 10 when I started talking about him; he is now 12. His name is Timmy. He cannot walk or speak. There is no program at this time that is available for him in a noninstitutional setting, but only in a setting where he can live either in a group home or a supervised setting. His family can no longer manage with him at home.

It is only one of seven cases that I am working on at the moment, and I have to say to Timmy's parents that there is no money for funding a program to meet his physical, emotional and educational needs. Yet, at the same time, these parents know that the Liberal government has announced a province-wide program to reduce class size in grades 1 and 2 in all the school boards across the province for normal kids.

I only ask you, Mr. Minister, whether the priorities of this government are in the right place. I know it is not a perfect world and we cannot do everything for everybody, but we have to look first at the people who need the greatest amount of help. The disabled community, no matter what disability we are talking about, are the people at the top of the priority list.

You know, you can stand on any public platform around this province and say, "I am sorry, I can't afford to reduce the class size for normal kids in schools in grades 1 and 2 because we have now realized it's going to cost \$140 million."—or whatever the figures are, it does not matter. "The point is we cannot afford to do that, members of the public, because we have a Timmy who cannot walk, speak or function any longer in his home, in his own residential setting with his family, and we have decided to spend money for that individual and the other individuals who are on very long lists around this province waiting for group home settings,

noninstitutional settings, associate families, any kind of setting which that individual needs in order to function in society today." Surely any one of us, any one of the 130 of us who are elected to sit in this Ontario Legislature could stand up and be proud and say: "No, we're sorry. We can't fund everything, but we're telling you that we're looking after those people first who can't look after themselves without a lot of support services."

Mr. Minister, you could defend that argument at the cabinet table and we look to you to show that kind of leadership. There is no question that you personally have the commitment, but we look to you to show that kind of leadership to convince your cabinet colleagues. I recognize you have to get around the Treasurer (Mr. R. F. Nixon) and probably the Chairman of the Management Board of Cabinet (Mr. Elston) for some of the funds that you need, but it is such a defensible position because it is the most defensible cause that any government can have. I hope that the Liberal government in the future will decide that their priorities are people first in the greatest terms of physical and psychological need.

1550

**The Vice-Chairman:** The minister now perhaps will wish to respond to the opening comments from the critics.

**Hon. Mr. Mancini:** I made some notes, just to jot down most of the questions that my two colleagues have directed my way. I will try to answer all of your questions and concerns. If I miss any, I am sure you will remind me.

First of all, I want to direct some answers to Mr. Allen. There are several important areas that Mr. Allen touched on. I do not know if it is by coincidence or just by our personal views, but we seem to be interested in the same areas.

Your comments about advocacy for vulnerable adults, your comments about the Charter of Rights and the Human Rights Code strike a very strong chord. I have said many times on many platforms that the vast majority of people in Ontario, and I know that the majority, indeed the entire Legislature, are people of goodwill. But goodwill does not necessarily achieve the ends which we seek. That is why it is necessary to enshrine rights in law. That is why, after I became minister, when I first started meeting with my staff, we made the proclamation of three particular amendments to the Human Rights Code which dealt with disability the number one item on our agenda, because the only way to



empower people is through opportunity and through legislation.

While I share your concern that possibly the Charter of Rights is not being used by the people we had intended to use these rights, I am not sure if that is a temporary phenomenon or something that may have to be revisited in the future. I believe that the amendments that we made to the Human Rights Code are fairly specific in nature. We have a fairly aggressive Ontario Human Rights Commission in our province with what I would consider a fairly aggressive chairman who speaks out on issues frequently, who I believe is dedicated to some of the issues that we are talking about today as they affect people with disabilities.

I believe the Human Rights Code, the amendments that we helped proclaim less than six months after I was sworn in as minister, are going to be effective. I believe they are going to pave the way for changes in the future. Whether it will take a year or a decade I do not know, but I think that the case law that we have built by having these decisions made will have a tremendous ripple effect through not only government but also through the larger public sector and also the private sector.

Regarding your specific question as to how many cases are before the commission now, I believe there are five or six.

**Mr. Sauv :** Relating specifically to the new amendments.

**Hon. Mr. Mancini:** Right, relating specifically to the new amendments. I, like you, am waiting to see and to hear the outcome. I have confidence that the changes that we have made to the Human Rights Code are very significant and will have a great impact.

I see myself trying to lead and advise the government on being a step ahead in making changes to our buildings. That is why we have done an inventory of all government buildings. I think we know within a reasonable guess as to how much it would cost. We could get those figures through the Ministry of Government Services. I know they are working on that now. So we are trying to keep ahead of what we perceive the needs to be.

On the matter of advocacy, you talked about a struggle possibly between several cabinet ministers or two cabinet ministers or one minister struggling with himself or herself. I do not necessarily view this as a struggle. My view involves getting through all of the public dialogue necessary in order to make advocacy in some way, shape or form a reality. There are

several ministries within the government that could probably make a rightful claim to being able to handle advocacy matters. The Office for Disabled Persons can make a rightful claim, and a very strong claim, for a number of reasons which you yourself, Mr. Allen, mentioned to the committee.

The process is long, slow and arduous. It is that way because we are trying to obtain a consensus, not only from different ministries but trying to involve the community out there, trying to arrange for allocation of funds, trying to move forward a social policy that will encourage the work between professionals and volunteers, because I do not think it can be a completely professional setup. I do not think that can happen. The legal aid clinics in some areas want to be involved, as do professional groups in other areas.

In some parts of the province, volunteers are demanding a very strong role in any advocacy program that is set up. They want to be there to protect their friends, families and relatives. They have told me this, and I do not think I am saying anything new to you, they have told me that they are not going to leave everything in the hands of professionals.

I think the three reports that have been commissioned, the O'Sullivan report, the Fram report and the Manson report, have a great impact on what we want to do. They are advising us on what we should do. They are interrelated in some ways.

I am as impatient as you are. I wish we could move public dialogue and also government decisions more quickly, but that is not the case. It is not for lack of trying. We have this ministerial committee set up with the five ministers involved and we do meet. We do exercise our authority as ministers and give instructions to staff to conduct meetings, to get input and to try to put something together that we can take through the cabinet committee system and to the full cabinet.

If you do not do your work right and if you do not do your work well, then you cannot defend your work and it gets shot down. That could also be a reason for some of the slow procedure. There are a lot of ministers who have a lot of programs and who view their programs as the most important. They may make a better case in selling a program. It is just like at your caucus meetings, Mr. Allen, when you are debating your colleagues as to what the issue of the day should be. If there is someone who is better prepared or better able on that particular day to make the case in a better form, then we usually



know what the outcome is. I do not think it is any different inside the government than it is outside the government.

**1600**

On your comments concerning accessible housing, the criteria for accessible housing and the subsidy, I believe you are referring to the Ontario home renewal program for disabled persons. My colleague Mr. Sola had some questions about this earlier on today which he put to me privately. I know there is a backlog, but I believe it is going to be cleared up.

**Mr. Allen:** Do you have the figure for the backlog?

**Hon. Mr. Mancini:** The present backlog is 162.

I believe the criteria allow for a family income of up to \$45,000. Then the \$15,000 that a person or a family could qualify for would be turned into an outright grant. I believe there is a sliding scale that goes from \$45,000 up to approximately \$60,000 of family income, and as the income gets higher, the sliding scale makes the money more of a loan and less of a grant.

I think it is one of the best programs we have in the Ontario government. I am a big supporter of the program. I lobbied the Minister of Housing (Ms. Hošek) on a regular basis about the program, and it fitted very nicely into the support that we gave to families through the Easter seals about a year ago, where we were able to assist about 120 families to get accessible housing for their children.

Was there anything else you wanted to add on accessible housing?

**Mr. Sauvé:** I think the Easter seals program helped 213.

**Hon. Mr. Mancini:** You were very concerned about the transportation issue, the interministerial report.

I should mention we have some new staff people here this afternoon. Calvin Bernard is our policy analyst. Gerry is the co-ordinator of information services. Doug Mayer is our co-ordinator for the access fund. All these gentlemen are available for questions, of course, if the need arises.

You referred to a transportation issue; I am assuming you are speaking about the interministerial transportation committee that has been working on our global transportation policy on behalf of the government. As I said in my opening address, we are getting close to the conclusion of that, I believe. I would say we are just a few short months away from making a

statement or asking for intense public dialogue or for making public what our position may be and then waiting for the public to get back to us to see what modifications may or may not have to be made.

As for your comments about Hazel McCallion and what she said to the Association of Municipalities of Ontario, I do not subscribe to her philosophy and her thoughts. It is not enough for municipalities to say, "If the province of Ontario provides, entire, accessible transportation, we will buy into it, but if we have to do anything, then we are not buying into it." That is not the philosophy I subscribe to, and I do not think there is a member of the Legislature who would buy that from any municipality.

I made a special effort to meet with the Association of Municipalities of Ontario executive this past spring. I had a long discussion with them, particularly on the issue of parking for the disabled.

They invited me to speak to their annual convention this past August. If you were to check the list of ministers who have been invited to speak to AMO over the last years, you would probably guess who they would be and why they would be there. The Minister of the Environment would be there, because he pays for sewers, water lines and all kinds of works. The Minister of Transportation would be there, because he paves roads. The Minister of Housing for obvious reasons, etc.

I do not think they have ever invited a minister who does not have deep pockets and who went there to sell a message and to sell a number of things that our communities should be doing. So I took note of their special invitation. When I went there, I took the opportunity to talk to them, not only about the parking bylaw but also what each and every one of our some 800 municipalities should be doing for disabled people regarding employment, housing, community activities, education, recreation and a wide number of areas. I think the message got through somewhat. I do not expect the world to change overnight, but the fact that they invited me is a great signal. It signals to me that not everybody agrees with Hazel McCallion on this particular issue. I certainly do not.

Municipalities, particularly big municipalities, have clout. They have economic influence. They have very sophisticated professional organizations; at least they are as sophisticated as the structure we use to run the province of Ontario. They cannot claim ignorance. They cannot claim there is no money. They cannot claim, "Well,

you know, without the government doing 99 per cent of it, we can't do anything."

The Human Rights Code is not only for the government of Ontario. The Human Rights Code will be used for municipalities and for other groups that act in a way that is contrary to the way that the code has been changed since last April. That is the last word that I would like to leave with Hazel.

**Mr. Allen:** Are you saying that you will use it directly or you will simply provide access to it?

**Hon. Mr. Mancini:** No. What I am saying is that one of the principal reasons that my office is in place is to empower people. Empowering people means helping them get organized, helping them clarify in their own minds what the issues are and then encouraging them to do whatever is necessary in their own communities to make their communities better.

I would not be surprised if in the future—I do not know when it will be—there will be organizations. Maybe it will be Beryl Potter's organization; maybe it will be other organizations, I do not know, but some day they are going to sit down and say, "Well, jeez, maybe we need to be more active in Mississauga, Etobicoke, Amherstburg, Hamilton or wherever."

I got a very good feeling when I spoke to AMO about this. I want to work hand in hand with the municipalities out there to make the changes that are necessary. I hope they do not feel they are immune to the code, because they are not. Intransigence will be dealt with when people make complaints to the Ontario Human Rights Commission; when the commission deals with it, that is a reality, that is a fact of life. No one will be able to hide by saying, "You know, it's not our job," or "We can't do it," or even "We're not willing to make a plan."

I know it is not going to be done overnight. I know it is not all going to be done within the next decade. But I think the important thing is for all of us to agree that we had better start putting in place our plans for the present, the medium term and the long term. If any municipality, the government of Ontario or any other group that provides needed service to the public is not willing to think in those terms, I do not think it should be surprised if it ends up before the commission.

I think one of the great things the changes to the code will do is put people in a mindset of saying: "Okay, we have to deal with this now. We can no longer indiscriminately discriminate against people who have disabilities because we do not have the time or the inclination to make

our goods and services available to them. We just do not have the time to consider it." I think that all municipalities should say—and I have faith that they will—"Let's see what we can do for the immediate, short term, medium term and long term." That is something we are all going to have to face.

Regarding the issue that you raise about workshops, I cannot quarrel with what you say, Mr. Allen. I cannot quarrel, in a very novel way, with what the Rolling Thunder Theatre Company says to us through their good works. I do not view the workshops as the end. I view the workshops as a placement, hoping to achieve an end.

**1610**

**Mr. Allen:** Do you have any statistics on the rate of placement, the percentage of placement and what kind of transmission that is, from your point of view?

**Mr. Sauvé:** In Ontario, there are 13,000 persons in sheltered work. When the Ministry of Community and Social Services unveiled its 25-year plan for the developmentally disabled and its whole process of moving towards complete deinstitutionalization of this population, it also at that time talked about what is known as Project Opportunity, which you may recall. Basically, that was unveiling a new approach on sheltered work, where sheltered work would be a transition from the institution or the school environment, potentially into the workforce.

It is recognized that for a certain percentage of the population—I have never heard what that percentage might be, but the number is probably several thousand—ultimately there will not be a place for them in the workforce and that for a certain group of people there will be a need for something we now call day programming; in other words, it is more recreational, leisurely, activity-oriented. That is the thrust in which this is moving.

I cannot give you specific statistics now as to what progress has been made, although that is the general direction. It is contingent on a few policy changes that are yet to be made and announced about minimum wage in workshops and the disallowance of work permits.

**Mr. Allen:** Thomson, of course, is quite relevant in terms of maintaining support as you move off into employment.

**Mr. Sauvé:** Thomson, yes.

**Mr. Allen:** I guess what I was really asking was if there is a statistic which tells us that a certain percentage of that 13,000 in those



workshops have in fact moved into the workforce that year. In other words, is the transmission belt working in terms of numbers being trained and placed, if the emphasis now is on using them as training stations in preparation for work in the workaday world?

**Mr. Sauv :** I do not have that information, but since it is a new direction, a new orientation and a new thrust that really was just enunciated about a year ago, I would hazard a guess that turning around the whole sheltered work establishment will take some time. I do not think you can claim that there have been very many who have been successfully moved through the system in this new direction, but we can research that a little bit further. If we do get any information, we will get it to you.

**Hon. Mr. Mancini:** The final point that I noted was your comment on deaf education. I believe there was a response given in the Legislature on Tuesday by the Minister of Education (Mr. Ward). I hope that addresses the concerns that you and your party have raised. I hope the processes we are now involved in and are going to go through will yield some positive results and make some needed changes.

I had a chance just very recently to visit the Belleville school for the deaf and met with students, the superintendent and others. They are aware of our concerns and they are excited. When I spoke to the young people there, I encouraged them to write to me to make sure that I had some of their own personal views, not just the view of the educators and parents. I also wanted the views of the young people there. I think we struck a chord there, and I hope that I do get some advice from them, but we are going to be very involved in the Minister of Education's review. We are going to provide what we consider to be good advice, advice that we have been able to cull from the community.

As a minister, I have met with the Canadian Association of the Deaf and the Canadian Hearing Society at their offices in Hamilton also. I think we have a good feel as to what is going on in that field and I think we can be very, very helpful to the Minister of Education. He deserves my congratulations, because he has been extremely open with me and with my staff and I think he has good intentions.

Those were the notations I made from your opening remarks, Mr. Allen. If there is anything further, I would be more than happy to try to respond to your comments.

**Mr. Allen:** I guess the only item that you skipped at the end was whether you could tell us

quite specifically what your own interventions have been in cabinet on behalf of an early scheduling of the implementation of the Thomson report.

**Hon. Mr. Mancini:** As you know, interventions in cabinet are top secret.

**Mr. Allen:** I was trying to tease something out of you last year that you did not want to tell us either, but we keep trying.

**Hon. Mr. Mancini:** The rules that applied last year are applying this year.

**Mr. Allen:** One can really see that.

**Hon. Mr. Mancini:** There are going to be some hearings conducted. I am going to be very active in them.

**Mr. Allen:** I would just impress upon the minister that at the major presentation of the Thomson report when it was unveiled, the language of Mr. Thomson was not, "Wait six months and then tell us," it was within the first two months. There was a whole list of things, it made it quite plain, that could and should be implemented; that the initiative should begin virtually right away.

I would only try to underscore—not to try to tease any secrets out of you—that the message the Minister of Community and Social Services (Mr. Sweeney) is apparently giving us in the Legislature does not reflect the point of view that Mr. Thomson laid out before the public in Ontario when he unveiled his report in terms of timetable, implementation and what could be done purely and apart from the grand design and the total holistic implementation.

**Hon. Mr. Mancini:** That is one of the real luxuries that Judge Thomson has. He has a report and then he says, "Within six months, I suggest that half of this or a quarter of it or 30 per cent of it be done." Unfortunately, wheels do not turn that fast. It would take a number of months for the ministries involved to have in-depth responses in a co-ordinated fashion to get things moving.

I am going to leave this in the hands of the able leadership of the Minister of Community and Social Services. I am going to support him wherever and whenever I can. I know and understand that the Thomson report deals a great deal with persons who have disabilities and I will be there to speak on their behalf when it is necessary and when I am able to, in my role as minister, but I have confidence that the government will respond the best way it possibly can.

Margaret, you asked a lot of questions.

**Mrs. Marland:** I said I would be happy to wait until you had time.

1620

**Hon. Mr. Mancini:** I cannot say that I agree as much with you as I said I agreed with Mr. Allen. As a matter of fact, I think there is a whole lot of stuff on which I disagree with you, but we will take your questions.

I would like to talk to you a little bit about the role of the office because I want to try to better explain exactly what it is we do. We are not a line ministry. The Office for Disabled Persons was not set up to duplicate, redo or put in place programs that are already functioning within the ministries of Health, Community and Social Services, Housing, Transportation or anywhere else.

Our role at the office, as advocates, as advisers, as people who review government legislation or government programs or new initiatives, is in fact quite significant and more significant than you gave us credit for in your opening comments. I do not think it is necessary for us to actually run a program or actually be involved in the day-to-day operations of a program for us to be effective. We are effective when we do many, many things that never see the light of day because the changes are made as they are going through the system of government, which I know you are quite familiar with.

As a former member of city council, I am sure there were dozens of committees that the member sat on where she and her advisers had a significant impact and where the reports that were eventually made public probably to a great deal reflected what she had to say on a particular occasion, but no one said, "It was Councillor Margaret Marland who said A, B and C, and that is why we are doing it," because things just are not done that way.

I think this government has been tremendously sensitive to issues that affect people with disabilities. I think we have been aggressive in many areas. The fact that we have an office is a significant departure from the past. The fact that we have made changes to the Human Rights Code is a significant departure from the past. The fact that this office, the Office for Disabled Persons, has representation on 32 interministerial committees is a significant departure from the past. When we talk about nonprofit housing—and I am sorry I interjected at the time you were speaking—yes, 10 per cent of that nonprofit housing is designated for special needs groups.

I just want to say to the committee as strongly as I can, being an advocate in cabinet and developing policy and providing advice, in my view, is just as important as having the privilege

of saying, "We have regional offices all over the province and I have another 120 civil servants who report up through the ministry."

I was very sensitive to what the member said last year, and I made a special visit to Quebec where I met my counterpart. I wanted to see him because I had read and studied his office and what it was doing and thought that maybe we could become more like them. To my surprise, when I got there, he told me that his office wanted to become more like mine, that they wanted to be less program-oriented and stronger in the field of advocacy. They did not want to get bogged down in program delivery, which in itself causes problems and causes some concerns and anxiety within the disabled community.

He felt that with the appropriate research, with the appropriate role set out for the minister, we could be just as effective as his office in Quebec, which is, I believe, very, very significant and large as compared to ours. For example, we fund the Barrier-Free Design Centre. They have a barrier-free design centre right within their own department. I guess we could judge for ourselves individually as to which one operates more effectively, which one operates more cost-effectively and which one is more appropriate in the circumstances.

I think that somewhere in between there might be a happy medium. I do not know. But I in no way want any member of the committee to feel that because this office does not run line programs, therefore we are not important. I get invited to cabinet committees when issues that affect people with disabilities are being discussed by any cabinet minister. That, in itself, is a tremendous departure from the past.

So I am not going to apologize for the role that I take or for the structure of this office. I am not here to build turf or try to enlarge things for no other reason than for having it done. I think an impact can be made when you have good research, are prepared and have the opportunity to speak. I cannot think of any single occasion, not a single one in the year that I have been minister, where I have not been allowed to attend a cabinet committee where I thought it was important or to speak in cabinet when I thought it was important.

I think that in itself displays to me the will of the government and I just thought the committee members might like to know that. Yes, I would like a bigger budget to do more research. Yes, I would like more money for my community action fund, because it empowers local people to do things for themselves and to get things



changed in their own local communities. Yes, I would like more money for my access fund so we could build more ramps, give more money for elevators and make more money available for the sensory-impaired, but I have to live with a budget allocated to me, as do all other ministers.

We have a limit as to what can be allocated. I think the opposition members here were critical of the government in the last budget because we had to raise taxes to pay for some of the things that we have undertaken to provide to our public. One of the first things that comes to the top of my mind is the assistive devices program. We took the assistive devices program from a small, \$5-million or \$6-million-a-year program, and in less than three years it is going to be between \$60 million and \$70 million a year, every year, for ever, and it is going to be increasing at the same time, due to cost increases.

Our transportation announcements, which have been made up to this point, are \$50 million over five years. In order to spend \$50 million, you have to raise \$50 million and after you have raised it, you have to ensure that you make your representation to the cabinet appropriately so that another minister does not get to spend it for you.

Mr. Sauvé mentioned to me that there is some research going on right now to see exactly how much money we do spend on people with disabilities. The amount is significant. We do not run our schools for the deaf just by saying we should have schools for the deaf. We do not run our institutions just by saying we should have them. We have to tax and we have to spend, and I think any government that is worthy of being a government has to find a balance.

The people for whom I try to speak are not well-organized enough, in a lot of cases, to be able to mount as strong a lobby as maybe they should, but that is why we are here. That is why they have a minister, that is why I have you and Mr. Allen to help, and the members of this committee. As I said earlier, I am as impatient as anyone sitting in this room, but at the same time I have to deal with the reality and I have to ensure that while I am squeezing everyone for every last cent, for every last ounce of energy, I do not do it in a way that is counterproductive. I think that is also important.

**1630**

I think this government does listen. I take great exception to your saying that this government does not listen. This government does listen. That is why I speak to the number of groups that I speak to. That is why I hear the number of delegations that I meet with and that is why we

take such a proactive role. This government, as I said earlier, does listen. We have been very sensitive in many areas. Sure, you can criticize us for not having done a great deal more in the three years we have been in office, but at the same time, I think we can point out with some pride that we have taken the initiative in many matters.

I find that in the social policy field the number of groups you have to discuss your initiatives with is great and the number of compromises you have to make is great.

Mr. Allen was talking earlier about deaf education. That is a perfect example of the divergent views which exist in the community. The educators, the parents, the graduates of Gallaudet College may have a completely different view of what deaf education should be than a parent of a young deaf child; completely divergent. To get those parents to buy into whatever changes you want to make is very important or they will fight you all along the way and your changes will in fact not be changes but will be impediments. It does take time to make these significant changes. That is our responsibility. We are open to criticism for that. We accept the criticism, but I will not accept the argument that this government or this office is not listening.

Disabled parking: That is another good example of the difficulties in getting everybody on the same wavelength. When I first got involved with the disabled parking issue, I said: "This has been knocking around for quite a while. We have to get this thing moving. What are we going to do to get this in place? How can I work with the Minister of Transportation so that we are working in unison and not against each other? There are 800 municipalities and how am I going to get the word to them and what are we going to do?"

We did start taking steps, working with the Minister of Transportation, meeting with the Association of Municipalities of Ontario executives, speaking to the AMO convention. We took a survey in our own office. I believe we surveyed 63 municipalities to find out what they were doing in terms of parking for disabled persons. We sent the results of that survey to AMO, to the Minister of Transportation, to a number of other ministries, did we not? Who else did we send it to?

**Mr. Sauvé:** We sent it to Transportation, the Solicitor General (Mrs. Smith) and the Minister of Municipal Affairs (Mr. Eakins).

**Hon. Mr. Mancini:** It does not serve the disabled person one whit for us to say to municipalities, "Here is the proposed bylaw which you all should implement," if none of them implements it or if, after we get it done, they say: "You didn't speak to us. You didn't come and talk to us about this disabled parking law and we're not going to implement it and that's tough beans. Besides, Oakville is different from Burlington and Burlington is different from Oshawa and we have our own system that we think is better."

In order to avoid all of that, we have taken the other route. I, along with my colleagues, have taken the route, in the early stages, to get the municipalities to agree with us that we need a uniform parking bylaw in Ontario. We can come up with a bylaw tomorrow. That is not the difficult part. The difficult part is to get the vast majority of the 800 municipalities to say: "Yes, that is the bylaw that we are going to endorse and support and have in effect in our province. We're going to ask for those licence plates back that the disabled people don't want any more. They don't want to be singled out when they are travelling on our freeways or in their neighbourhoods and we're going to give them the portable plates they want so that the portable plate goes with the disabled person and not the disabled person with the vehicle. We are going to do all of that and we are going to do it as fast as we can."

I am hoping we can make announcements on it soon, but we have to go through the process of consultation and of getting the municipalities that have to administer the bylaw on board with us.

Our transportation paper you talked about, the interministerial committee, involves a divergent group of ministries and individual groups out in the public, and everybody has his own opinion. We are going to try to incorporate as many opinions as we can into that paper, and at the same time, we are going to try to develop a paper we can afford because I think that is important too. At the same time, we are going to try to implement things as quickly and as rationally as possible.

I know what I want. I think the Treasurer knows what he would like, I think the Minister of Transportation knows what he would like and I think all the people we are trying to represent know what they would like. Now, getting everybody's likes into a paper that the majority will accept and getting it all approved and funded is, in my view, a significant undertaking.

We have not stopped progress because we are working on this paper. Mr. Fulton announced the

taxi cabs last year; he announced the \$50 million over five years. We have announced our intention on the parking bylaw situation. We have not stopped working. If we had stopped working and said, "Okay, we are not going to do anything in the transportation field because we are working on a long-term or a medium-term paper," then I would accept your criticism and say that you are right and we are not doing anything. But we have not done that. We have moved in a number of areas.

The Ontario Building Code, in the way I understand the changes that were made two or three years ago, does require new buildings to be physically accessible. That is the way I understand the new building code. Is there something there, Mr. Sauvé?

**Mr. Sauvé:** That was the first phase of a process. What the most recent amendments did was to cover accessibility for people with mobility impairments. There is still another phase that will come at a later point that would cover sensory impairments for the hearing- and sight-impaired. Those standards and those prescriptions are much more difficult to get consensus on because it is a somewhat newer field in terms of building design and building construction. There is considerable work proceeding on this, but it has not yet emerged from that process into the building code itself.

**Hon. Mr. Mancini:** Mrs. Marland, you asked some good questions last year about the Wheel-Trans strike, and I answered those questions. You asked questions before the strike took place as to what we were doing and what were my views on the matter. My views on the matter then were the same as they are now: I believe the best possible solution to any work stoppage at Wheel-Trans is a negotiated solution, and I do not believe for a moment that declaring Wheel-Trans drivers an essential service would produce all the results you claim it would produce. I do not believe it would.

**Mrs. Marland:** You are not in favour of deeming disabled transit systems in the province an essential service?

**Hon. Mr. Mancini:** At the present time, no. We saw the government take swift action when Wheel-Trans drivers were on strike. We saw the government put in place a system whereby transportation would in fact be made available to disabled persons. At the same time, we saw that when the Wheel-Trans drivers realized we would not settle the strike for them, they went to the bargaining table and they negotiated a settlement. They did that when they finally realized



that the Legislature was not going to do their work for them.

I understand that extraordinary situations, possibly a strike of an extraordinary length of time, may compel the Legislature to make extraordinary responses. I accept that may happen some day, but I think my answers to you last year or last spring, whenever it was—I am sorry; I cannot remember the exact date.

**1640**

**Mrs. Marland:** My questions were to the Minister of Labour.

**Hon. Mr. Mancini:** But you directed a number of questions to me and I think my answers to you at that time were similar to the one I have given you this afternoon, that the best settlement at Wheel-Trans is a settlement that is negotiated by the parties involved.

You also questioned our access grants. You asked why 22 were rejected. I believe they were rejected for—

**Mrs. Marland:** Could we have a list of them and why the rejections.

**Hon. Mr. Mancini:** I can tell you we will provide the list; that is not a problem. I believe they were rejected for a number of reasons, the main reasons being that either the building that was to be made accessible did not fall within our criteria of nonprofit community-based types of buildings—church, legion or whatever—or the project was completed before the application was approved.

I had many members of the Legislature, some colleagues, some friends of a long time, who came to me and said, “Why are you rejecting this program?” I said: “I’m rejecting the program, not because it isn’t worthy, it’s very worthy, but because the criteria weren’t met. If I change the rules for you, I have to change them for everybody else.”

To me, the integrity of this program is very important. I could easily have succumbed to a number of colleagues in the middle of the whole program, making all kinds of ministerial orders to change the program. I would have accomplished one thing: I would have ruined the integrity of the program. I would have been dishonest to the community groups who had applied in good faith. I would have been dishonest to the groups that did not apply because they thought they did not qualify. I feel that the way we have handled our access grants is the best possible way.

Doug Mayer is here. Doug, would you come forward for a second. You might want to ask

Doug a question or two. I know Doug received calls on a regular basis from MPPs who put a lot of pressure on him—from all parties; I am not singling anyone out—and who said, “Look, we need to have this application.” I am a private member, too. I write letters to ministers. I go to ministers and say, “You are treating my group improperly or unfairly.” I fight for them, but when a minister says to me, “The program is based on these criteria and you are asking me not only to bend, but to completely distort the criteria,” then I back off because I know from my own experience here that it cannot be done and keep the integrity of the program and the support of the members. If I do not have the support of the members for this program, the program is dead.

Doug, is there anything you want to add?

**Mr. Mayer:** If I hear the questions, it may be easier.

**The Vice-Chairman:** Mrs. Marland, do you wish to direct your questions to—

**Mrs. Marland:** My note indicates that program was underspent. Maybe that could be clarified.

**Mr. Sauvé:** It was underspent only because we did not receive sufficient applications that met our criteria to spend whatever funds were available to us last year.

**Mrs. Marland:** How much was it underspent by?

**Mr. Sauvé:** Do you know, Doug, offhand?

**Mr. Mayer:** No, not offhand.

**Mrs. Marland:** Could we have that answer tomorrow.

**Hon. Mr. Mancini:** Yes.

**Mrs. Marland:** Could you tell me now whether the amount it was underspent by this year will be added to the amount of funds eligible for this program next year?

**Mr. Sauvé:** That is a question that will have to be negotiated in conjunction with our Treasury colleagues. It was announced as a program of \$15 million over three years, so it is \$5 million each year.

**Mrs. Marland:** I know.

**Mr. Sauvé:** The first year was underspent. Whether there will be a fourth year added to take account of that will be something our minister will have to discuss with the Treasurer, and we will have to negotiate at the staff level as well, but that issue will come up next year around this time.

**Mrs. Marland:** Minister, if there were insufficient applications to use up the \$5 million

from this year, you and I both know it would probably be because of lack of awareness that the program was available. Will you be asking the Treasurer to add your unspent funds from this year into your allocation next year, as it was announced as a \$15-million, three-year program? Surely you cannot accept anything less than \$15 million in three years.

**Mr. Sauvé:** Could I add that—

**Mrs. Marland:** I will ask the minister this question, with respect, Mr. Sauvé, because I think it is the minister's commitment.

**Hon. Mr. Mancini:** I do not know, Mrs. Marland. There were extra moneys we got for the Easter Seal Society that kind of played a role in all this. I have to go back and study the matter, but I am asking the Treasurer for money all the time for all kinds of projects.

**Mrs. Marland:** In fairness, when the government announces a three-year, \$15-million program, and that is the public perception of that program, then if it is not spent in the first year because of insufficient eligible applications, which is the explanation you have just given, surely the commitment of the government does not change. It is still a \$15-million allocation.

**Hon. Mr. Mancini:** I hear you, Mrs. Marland. I will do the best I can in that area. I have the same concerns you do. We will try to do the best we can.

**Mrs. Marland:** I could maybe help you out in the House.

**Hon. Mr. Mancini:** Yes, you are good at that. Mr. Sauvé tells me there will be no underexpenditure this year, so the thing is really rolling.

**Mrs. Marland:** That pertains to this year's \$5 million, but I am looking for the total of \$15 million in three years, because that is the commitment the government made to the disabled community in Ontario.

**The Vice-Chairman:** Are there any other questions?

**Mrs. Marland:** I am waiting to see if the minister is finished, in fairness.

**Hon. Mr. Mancini:** You asked about staff salaries. Clem Sauvé tells me he has the answers to your question about staff salaries. I can tell you that nobody in the office got a 22 per cent increase.

**Mrs. Marland:** Nor the minister.

**Hon. Mr. Mancini:** No. You get yours, right? Ours are the same. Clem, did you want to answer that question about the staff salaries?

**Mr. Sauvé:** Yes.

**Mr. Callahan:** Well, Margaret is finished.

**Mrs. Marland:** No.

**The Vice-Chairman:** No. The minister has the reply, and following she is allowed to ask questions as he goes. I will show you the standing orders. It is a long, patient wait, but it is opposition time, really. Have you finished your comments to—

**Hon. Mr. Mancini:** Yes, I have. Clem has this answer.

**Mr. Callahan:** What do I have to do? I guess I have to join the opposition.

**The Vice-Chairman:** That is right.

**Hon. Mr. Mancini:** Just hang on for two minutes and we will get to you, Mr. Callahan.

**Mr. Sauvé:** The explanation of why there was a \$334,000 increase in our salary account, as indicated in your briefing book, is that there was \$88,700 allocated for our summer Experience program. Basically, that is where we get some funds allocated to us. For example, this past summer we had 44 students who participated in that program, 37 of whom were placed in community agencies, mostly in southern Ontario, but I believe there may have been one or two in northern Ontario as well.

**Hon. Mr. Mancini:** And I can assure you that there were no politics in the placement of any of these students.

**Mrs. Marland:** But my question is that the salaries increased in the estimates by 22 per cent. In fact, you only added five people and there is an increase—

**Mr. Sauvé:** The five cost \$170,000.

**Mrs. Marland:** Right.

**Mr. Sauvé:** There was \$75,000 for salary awards because in the budgeting system used by this government, salary awards are not built into allocations but are added into ministry budgets whenever they are approved. For the salary awards that were approved in the previous year, you had to add \$75,000 so that you would have enough money to pay the same number of people the subsequent year. As I mentioned at the beginning, there was \$88,700 for this student summer Experience program. Those were the three components that explained the 22 per cent.

1650

**Mrs. Marland:** Have you finished, minister?

**Hon. Mr. Mancini:** Yes.

**Mrs. Marland:** Okay. There were about three questions you did not answer. First, I did not really need a lecture on what your ministry does.



**Hon. Mr. Mancini:** Well, I thought I had received one from you and I thought there was some confusion—

**Mrs. Marland:** This is my turn.

**Hon. Mr. Mancini:** —as to what my office was doing, so I thought I would set the record straight.

**Mrs. Marland:** I know very well that those two ministries are not on-line ministries. I think Hansard will indicate that those were my opening comments. I do understand how the ministry works, thank you.

Could you answer the question about prioritizing in terms of human need and survival. Can I ask you if you, as the Minister without Portfolio responsible for disabled persons, support a program—it does not have to be this one—that reduces class size for normal kids while we do not have enough money to look after special needs children of all kinds of disabilities with huge, long waiting lists around the province.

**Hon. Mr. Mancini:** I am surprised you would ask such a question. Every day in the Legislature, you and your colleagues put forward ideas for government expenditure in any number of areas. I have never once recalled where you have made up a list and said, “This is the way we would spend the first \$100 million we’ve asked you to spend this week, and this is the way we’d spend the second \$100 million we asked you to spend the week before.” I think the way the system works and the way your party and all the other parties operate is that you set out a general agenda for what you want to accomplish, and then in that agenda and in that budget envelope you try to serve the most needs humanly possible.

Frankly, I resent deeply your suggesting that I or any one of my colleagues would think any less of a person who has a disability than a person without a disability, or a student in school with a disability than a student in school without a disability. This government responds to concerns and problems as they are brought forward to us and as we see the need to respond to them.

As far as lectures are concerned, I do not think we have to be lectured by you or your party. There was no Minister without Portfolio responsible for disabled persons in your administration. You were not a part of the administration, but I speak of your party. There was no assistive devices program. I could have asked William Davis why he had not set aside money for wheelchairs when he went out and bought Suncor Inc. I could have asked him that.

I frankly resent your question. I think it is highly unfair. You know yourself that this government has moved tremendously in the social policy field in a number of areas. All you have to do is look at the estimates and the figures and programs are all there.

**Mrs. Marland:** I am sorry your response is so personally directed, because my question—

**Hon. Mr. Mancini:** Your question was very personal.

**Mrs. Marland:** Mr. Chairman, may I ask a question?

**Hon. Mr. Mancini:** Your question was very personal.

**The Vice-Chairman:** Order. You asked a question, Mrs. Marland. The minister has responded as he sees fit and—

**Mrs. Marland:** Excuse me. I am trying to say something now and the minister is interrupting me, which I think is unfortunate.

**The Vice-Chairman:** You still have the floor.

**Mrs. Marland:** I am not here speaking on behalf of Bill Davis’s government. I think we are dealing—

**Mr. Callahan:** I am here doing that.

**Mrs. Marland:** Obviously I asked you a very direct question about you as the Minister without Portfolio responsible for disabled persons. I said in my earlier comments this afternoon that I recognize what happens at the cabinet sweepstakes table. You have chosen not to answer my direct question. You have chosen to attack me, which is unfortunate, Minister.

It is very interesting that you went to great lengths this afternoon to explain—even dealing with the subject of parking permits—how important it is that you obtain the municipality’s wishes on disabled parking. You said that there is so much interest in obtaining the wishes of the municipalities around the province on disabled parking. You said that there is a process of consultation. That is great, but this government does not demonstrate that process of consultation in some other areas. Maybe an example you might think about is Sunday shopping.

**The Vice-Chairman:** Let’s stick to the subject.

**Mrs. Marland:** I am encouraged that the government is interested in obtaining the wishes of the municipalities on disabled parking, but I think that the government—on that subject when it is so straightforward and so simple, and a disabled person in Napanee has the same needs for parking as a disabled person in downtown

Toronto—that the government should show direction and leadership and say, “This is how it is going to be.” It is very simple. It works.

Did you discuss curriculum with the Minister of Education? That was the other question you did not answer.

**Hon. Mr. Mancini:** Curriculum for what?

**Mrs. Marland:** Curriculum in the ministry, curriculum in the school boards around the province and in the colleges and universities dealing with barrier-free design.

**Hon. Mr. Mancini:** The Barrier-Free Design Centre, which we fund, has developed a 15-week course that they will teach or instruct through Humber College initially.

**Mrs. Marland:** Okay, but the reason I asked the question about getting it as part of the basic curriculum in all the colleges, universities and high schools that teach design in one form or another in terms of physical plant and facilities, is that if it were part of the design curriculum around the province we would not need a 15-week course at Humber because it would be implemented—we know so much more now than we did about how to improve the design and to remove the barriers that we talk about—and if it was just part of the basic curriculum for anyone working in design, engineering and architecture, it would not need to be a postscript course available at one or two locations. It would be built-in around the province; it would not matter where anyone went to school to study those subjects. It seems like a very simple solution to making sure that we do not have to go back and retrain graduates from this day forward.

I recognize the work of the design centre, because the design centre is working with people out in the workforce today who are architects, engineers and designers, but what I am talking about is eliminating the need for the design centre in years to come because it is a basic part of the curriculum. Have you discussed with either of those ministers the need to have it as part of the basic curriculum?

**Hon. Mr. Mancini:** I believe the curriculum being prepared now by the Barrier-Free Design Centre will, as time goes on, obtain more acceptance within the landscape-architectural community, and they will see it as a benefit to themselves to take these courses which are vitally important. With the changes that have already been made to the building codes, I think it is going to be absolutely necessary for them. I believe that as time goes on, these courses will be taught at other colleges because the demand will

be there and the architects will demand that the courses be there.

**Mrs. Marland:** But will you ask the Minister of Education and the Minister of Colleges and Universities (Mrs. McLeod) to ensure that it is part of the curriculum so they do not need to take the courses? It is not just landscape design, obviously. Would you show that leadership and say, “This is what we need to do to eliminate the future need for courses”?

1700

**Hon. Mr. Mancini:** I will take your suggestion under advisement. That is the only honest answer I can give you right now.

**Mrs. Marland:** It would be great if we could spend the money which is now being spent in the design centre on another program for the disabled—

**The Vice Chairman:** I think you have asked the question and got your answer.

**Mrs. Marland:** —because of the fact that the program is—

**Hon. Mr. Mancini:** That is where you are wrong, because the Barrier-Free Design Centre is presently filling a gap. There is no one out there doing what they are doing now.

**Mrs. Marland:** No question.

**Hon. Mr. Mancini:** There is no one out there training architects who have already graduated who need to be trained and need their help. Even if we changed the curriculum in all the colleges tomorrow, that would not do anything for the architects who are already out there.

**Mrs. Marland:** I said that.

**The Vice-Chairman:** Mr. Allen had a supplementary.

**Mr. Allen:** It was not supplementary specifically to that, but as I let the minister for the most part answer me without interruption, I would like to perhaps make a few comments in response.

I think all of us struggle with this question of priorities. It is a difficult one to wrestle to the ground. Obviously, as Mrs. Marland has said and I certainly agree, there are limited resources available to any minister. I recognize that this minister, like other ministers, in effect, after having made his representations to the Treasurer, receives at the end of the day his allocation and he has to live within that for the time being until that situation changes. I recognize that.

At the same time, Minister, in terms of the cabinet solidarity you have referred to on various occasions, you do have an obligation to accept the responsibility for the overall allocation and



prioritizing which issues from the Treasury itself and which is, of course, cleared through cabinet. I think you would probably accept that fact. But it is perhaps easy to overlook in giving your responses to a specific question about the priorities on a given program that in fact it is part of your responsibility, too, that you end up with only so many dollars as a member of the cabinet.

In that regard, I just want to say that one of the features of public finance in Ontario which has struck me over some years, in particular as Colleges and Universities critic, was the fact that under the Conservative government, and it continues essentially under the Liberal regime, the proportion of the gross provincial product which is taken for purposes of public expenditure on public programs in Ontario is substantially less than is the case in the other provinces. It averages about 30 per cent less.

What really concerns me is that a government comes to power which should be prepared to make substantial changes and yet is not prepared, in effect, to appropriate a larger percentage of the gross provincial product of a wealthy province in order to expand the programs which are necessary for the disadvantaged at a faster pace and on a grander scale. We all know it is necessary and we all know, if we keep on struggling within the same parallelogram of forces and with the same percentage of GPP available and all the rest of it, that we are not going to end up at the end of the day making a great many really substantial changes.

We know that the Ministry of Health will go on growing. The Ministry of Education will continue to dribble down a bit, while Colleges and Universities will decline even more. The Ministry of Industry, Trade and Technology, oddly enough, which ought to be feeding the economy, in fact does not fare very well. All those proportions of the budget remain essentially the same as they were under the Conservative government. I guess that is the kind of thing that really concerns me.

I do not think you heard from our party—although you did imply it, and you may not admit to saying it as you did—that we objected to your appropriating greater resources to do good things in Ontario at the time of the budget, but we did reject very strongly the means that were used, namely, the sales tax. The increase in the sales tax is exactly the device that was used by the previous government when it wanted to increase taxes in 1982, the famous Miller budget, which was the last major step up in the income tax.

You know as well as I do that among the people that kind of tax hits hardest are the disabled, who in fact tend to have the lowest incomes in the community. That is something which I hope you, in the confines of cabinet, would have protested against very strongly.

You may not admit to tarring both of us with that brush. I have forgotten what the Tories said at that time, and I would be happy to go back and research it at some point, but it does not seem to be very worth while at the moment, frankly.

I think one does have to address the question of taxation and means of taxation in relationship to the people you have an advocacy role for, and I think the sales tax increase was not the right way to raise money for anything, frankly. It looks like we may be into a terrible binge of sales tax increases by virtue of the impetus the federal government may throw all of us into inescapably by a massive tax on everything that moves from one hand to another in the whole process of production. It is a most unfortunate situation and one which will be difficult for other provincial administrations to really significantly extract themselves from once it gets under way.

The other comment in response which I would like to make had to do with your comments around the application of the Ontario Human Rights Code, the transportation stuff and my comments about the charter. I did not mean my comments about the charter and the application of the charter to be read as comments about the Ontario Human Rights Code and the amendments, because I do not think, first, that we have had enough experience with them to know how they are going to set precedents, but I do not think they are set up in quite the same way. They are directed and only accessible to a very clear constituency in the way in which the broad equality-of-rights sections in the charter may be available to people who might use them for other purposes than augmenting the capacities and rights of disadvantaged people.

I was a little worried when you relayed to us the good feeling at the Association of Municipalities of Ontario. I am not sure that Hazel McCallion, at the conference I referred to, was speaking for AMO so much as all Canadian municipalities. You might also go to a convention of Canadian municipalities chaired by Mrs. McCallion and get the same good feeling because, mostly, when you talk in general terms about the disabled, you get those good feelings on those public occasions.

But when you come down to the big question as to whether you are going to be laying a trip on

the municipalities to expend a significant amount of money under criteria you establish which have to be fulfilled if they are going to get money from you for their conventional transit or something like that, the day you do that is the day the good feeling is going to disappear.

**Hon. Mr. Mancini:** Is that the same day that you will support us?

**Mr. Allen:** That is the day you have to be prepared for, quite frankly, and that is why I want to come back and talk a little more fully when we can perhaps have people come forward and we can get into the question of transportation. I would like to spend some time on that in a separate section in these meetings.

I would hope, for example, when it comes to the application of the Ontario Human Rights Code that the ministry will be available with resources, first for those who want to pursue cases with that body, and second for those who might want to take it beyond that body and into the courts.

My sense of the Ontario Human Rights Code is that the way people access it and the way they get settlements is often through the long-drawn-out process of conciliation and back-and-forth between the parties, and it seems to go on endlessly.

1710

I would hope that the question of the right of reasonable accommodation would be enforced with fairly clear regulations, that would make it possible to get quick judgements that are clear and definitive for the disabled, so that they do not have to wear themselves out, as have so many of the people who have come to my office and tried to get something out the Ontario Human Rights Commission over a long haul process that goes on and on and on.

I just wanted to say that I would hope that you will be doing something fairly rigorous around transportation criteria and your willingness or unwillingness to spend money as a government on municipal transportation systems, without at the same time putting in place significant demands for accessibility and the development of local agenda for accessibility that will be fulfilled on schedule by those municipalities in question.

As far as I am concerned, that suffices for my responses to your comments on my remarks. I would be happy to open the floor to other people who might want to question, if there are those questions available, and I would hope fairly shortly we would be able to go back to one or two of the major subjects areas, like transportation, to

get into them in a little bit more depth before we come to the budget line-by-line study.

**Mr. Fleet:** I might say first of all that I appreciated the initial commentary by the minister and the subsequent questions and responses that have taken place with the critics. My sense is that clearly the minister has a mastery of an awful lot of detail that covers a rather diverse range of activities within the government and within Ontario.

I would like touch on a few issues in sequence and perhaps the minister can respond at the end and I will refer to the page numbers in the initial presentation.

The first one is on page 9 and it is the reference to the access amendments under the Ontario Human Rights Code. It has been referred to a number of times today.

I think it might be useful, at least to me and perhaps to others, if I had a better understanding of how your office anticipates this is going to have an impact for existing buildings, either publicly or privately owned. My sense is that nobody knows about these amendments, that is the people who are going to make decisions about changing existing buildings. If they know about it, I have not seen a whole lot of activity, either in my riding or elsewhere, to suggest that changes are taking place as fast as I think it would be desirable.

I realize there are an awful lot of buildings involved and a tremendous amount of money and I think that the funding program, which is also referred to in your brief, is a very good one, but perhaps there could be some expansion on how you understand or expect that the amendments will have an actual impact on people, both the disabled bringing a complaint and somebody who owns property. What is their obligation to adjust and how do we expect they will adjust to the amendments?

Second, on page 11 there is the reference to the Homelink centres, the pilot project. The materials you provided had a brochure that I take it has been distributed through Ontario to both landlords and tenants. I can readily see disabled tenants wanting to have that. My question relates to the incentive, if you like, or the inclination of landlords to act. How do they learn about it? What is there to assist them in getting over their basic inertia, either the owner of the building or more practically the manager of a building? To some extent it represents a little bit more work, certainly a greater consideration for others that in the business world does not show up on the bottom line routinely. I wonder whether you



have any ideas about how that can be improved or if that needs to be improved.

**Mr. Allen:** On a point of order, Mr. Chairman: I am not sure what you understand the process to be and what the member understands the process to be in estimates. Clearly this is not a presidential, congressional system where we as a committee are here representing Congress or one of the houses of Congress and addressing ourselves to the executive in an American-style exercise.

Estimates is essentially something that provides the opposition an opportunity to spend time critiquing the budget of the minister and the ministry. If we are in a process whereby members of government on this committee take the minister's statement and go through it step by step with every question they have in their minds, then that is an abuse of the system. If they want to ask individual questions of the minister which are supplementary to other issues which are arising, that is proper. I just want to point that out to you as we proceed.

**Mr. Fleet:** I would like to respond to the point of order.

**The Vice-Chairman:** If I might, it is a point of order, Mr. Fleet. As I understand the standing orders on this, the government may—

**Mr. Fleet:** Well, I would like to respond to the point of order.

**The Vice-Chairman:** My interpretation is that it is opposition time. Government members may ask questions but not consume a great deal of time. There is a rotation also within this that must take place. In the interest of time, you can touch on them and ask the minister to respond, but it is opposition time.

**Mr. Fleet:** With all due respect to all members here, we sure as heck have not followed the strict wording of the standing orders today. We have allowed questions to flow back and forth, to which I do not object at all. But with the greatest of respect to Mr. Allen, I do not think anything I am posing in any way is an abuse, and although I do not think you intended it particularly personally, I resent the suggestion that I am abusing the process.

What I am doing is putting forward points. I have two others, some of which touches on material that has been dealt with today. I do not intend to repeat what has been discussed. It deals with my rights as a member, quite frankly, to put questions relating to the material we heard. If you want me to go through it line by line I could have

done that too. I have not done that at all. Four points out of the presentation is hardly that.

**The Vice-Chairman:** If I might, I think Mr. Allen has raised a point. He has made his point and you have indicated now the number of points you wish to make. I think that is acceptable. I think, the way it was proceeding, that he perhaps was concerned it was consuming a lot of the time. You wish to make four points in addressing—

**Mr. Fleet:** If one wants to object to the amount of time that was spent, I could certainly have done that. I think government members have not been—

**The Vice-Chairman:** If I might, the standing orders are very specific on this. It is indeed allocated as opposition time. The government members are permitted in rotation. It is like question period. The bulk of that goes to the opposition because it is indeed the opposition's time, and the members are then allowed in rotation after the opposition members have every opportunity not only to make statements and have the ministry respond but to respond to comments of the minister. That is strictly laid right out in the standing orders. I know there is some frustration.

**Mr. Fleet:** I do not think I have abused that process one iota.

**The Vice-Chairman:** No, I do not think he meant it in that sense. I think he was raising a point.

**Mr. Allen:** I am not in any sense doing anything personal with respect to the member. The style he was beginning to adopt was in fact the style of a critic who takes the minister's statement, goes through it in a series of points and critiques the minister's commentary, and then expects the minister to respond to a whole series of questions. I do not mind him raising two or three questions. I did not have the slightest foreknowledge as to where he was going to go with that. I just wanted to get in and make the point. If he has two more questions, that is fine. Let's hear them and get the minister's response.

**The Vice-Chairman:** We realize you are defending your time. Perhaps the clerk would make one—

**Clerk of the Committee:** If I may answer, to assist clarifying your question, Mr. Fleet, the critics are permitted time to answer the minister's statement, both critics.

**Mr. Fleet:** I appreciate that.

**Clerk of the Committee:** Then we proceed with the line-by-line statements. Any member

can ask questions. Mr. Allen is correct that perhaps it would have been best for you to ask the question when the item came up in the votes.

1720

**The Vice-Chairman:** Or to ask supplementaries to their questions.

**Clerk of the Committee:** Or in a supplementary form.

**The Vice-Chairman:** Okay. Proceed then, Mr. Fleet.

**Hon. Mr. Mancini:** I forgot what the questions were.

**Mrs. Marland:** May I make a comment, Mr. Chairman?

**The Vice-Chairman:** You are consuming time, Margaret. It is their time.

**Mrs. Marland:** I realize we are spending five minutes, but I think it is terribly important. With respect to Mr. Fleet's points, his comments are on Hansard, anyway; I am not going to repeat them. But I think it is important that the Liberal government whip explain to the members on the committee what the process is for estimates. You, Mr. Chairman, clearly have it understood. Obviously, Mr. Fleet at this point does not have the process clearly understood. In fairness to him, because he talked about his rights as a member, I think he has to know what the process is to understand what his rights as a member are during estimates. It is not like any other committee hearing.

**The Vice-Chairman:** I think he will take those remarks as said. Mr. Fleet, do you just want to proceed rather than get into another debate?

**Mr. Fleet:** I have been trying to.

**The Vice-Chairman:** Okay. Go ahead.

**Hon. Mr. Mancini:** Do you want me to deal with those two questions, Dave?

**Mr. Fleet:** I will finish off the last two.

**Hon. Mr. Mancini:** Let's do two at a time so I can keep them straight in my mind, if you do not mind.

**Mr. Fleet:** All right. If you want to do two, go ahead.

**Hon. Mr. Mancini:** You asked about the Human Rights Code amendments and you asked about how I believe they are going expedite accessibility. The amendments to the Human Rights Code are quite clear. The amendments state that to deny accessibility or service or goods is contrary unless the providing of the accessibility, service and/or goods would provide undue

hardship. I understand the Human Rights Commission is working on a set of criteria that will, to the best of its ability, describe what the undue hardship is and what regulations it is going to work under. I understand that that is going to be made public in the near future. I do not know exactly when, but I understand they have been working diligently on that.

I believe for the most part that buildings will continue to be made accessible. At the same time, I believe there will be some intransigence in the community and that cases will be brought forward to the commission.

I further believe that a considerable amount of public profile will be given to these cases through the media. This will in fact alert the people you mentioned this afternoon who probably do not even know about the change in the commission guidelines or in the Human Rights Code guidelines. I agree that a good many of those people possibly may not know. But the disabled community knows and the activists within the community know, and when they are denied accessibility, goods, rights and services, etc., they are going to know what to do about it.

I have no timetable for you as to when all this will happen, but I deeply believe it will happen at a considerably improved pace over what would have happened had the code not been changed. I am sorry I cannot be more specific for you.

Your questions about the Homelink program, in fact, are very good questions. You are basically asking us, "How do we know our program is working and how do we know we are meeting the needs of the disabled community?" I was told recently by Mr. Sauv  —it must be a week or two ago—that we have had a consultant's report done on the success of the Homelink project, and he may want to tell us where we stand.

**Mr. Sauv  :** Just briefly, this was an evaluation of that program which was done. It revealed that the Homelink centres which have been set up have been very successful. Both the disabled community and the landlords have been making use of this.

It has also been useful in raising the level of awareness, and it has helped educate some landlords about the needs of disabled persons in terms of accommodation.

Finally, in some instances it has resulted in some very useful data, which some disability groups in these five locations were able to use in justifying their applications under Project 3000 or other housing programs designed to increase



accessible housing for the disabled population. It has had some very beneficial spinoff effects.

**Hon. Mr. Mancini:** I think the public housing we are trying to support is going to have an adequate number of units for the disabled community. In the Ministry of Housing there are a number of programs in the Assured Housing for Ontario plan of the government that provide incentives to builders to remodel existing buildings, high-rise or low-rise, and I understand that these programs are in fact being taken up.

In my own community I know of several significant renovations that have already taken place under the assured housing program, the litany of programs the Minister of Housing has. I find substantial interest in providing housing for the disabled.

I cannot tell you honestly that the same level of enthusiasm is right across the province, but as more disabled persons live independently, as they have the means to live independently, people who own buildings, people who wish to modify buildings will see a market they can serve. I believe the market forces will then ensure that there are the units available.

That is one of the reasons, I should say, that we find Homelink so innovative. Disabled groups themselves run these registries. They do it themselves because they have the contacts and are able to contact the disabled person and then, using other means, are able to find from the developer or the building owner, large or small, that these units are available. The complaints we were getting from both sides were, "Gee, I built two disabled units and nobody's interested," or, "Gee, I'm looking for a unit and I can't find one." We find that the housing registries provided through Homelink are quite successful.

**The Vice-Chairman:** I believe Mr. Callahan has a short supplementary.

**Mr. Callahan:** A short supplementary somewhat in line with the Homelink program. I asked the question this morning about the—

**Mr. Allen:** On a point of order, Mr. Chairman: Homelink is going to come up in the course of line-by-line or when we get into the main office discussion or something like that. That is when those things should be coming up, Mr. Chairman.

**The Vice-Chairman:** Mr. Allen, I am ruling now that we allow supplementaries to it if it is a short supplementary, but it has to be specifically on Homelink. Can you ask the question, then, Mr. Callahan?

**Mr. Callahan:** I do not want to deprive the critics of their time. If they do not want to hear the question, that is fine. I am prepared to—

**Mr. Allen:** It is not a question of wanting or not wanting to hear.

**Mrs. Marland:** It is the process.

**Mr. Allen:** Before the rest of the committee gets into this process, we need to go to the budget and we need to get into the beginnings of the votes. Is that right, Mr. Chairman?

**The Vice-Chairman:** That is right.

**Mr. Allen:** At that point, Mr. Callahan and Mr. Fleet's questions are totally appropriate, they are quite in place and nobody will move to restrict them unless they begin to monopolize so much time that the opposition parties somehow feel themselves beleaguered and overwhelmed.

**Mr. Callahan:** I guess, Richard, I am prepared to be quiet, but what I wanted to do is to add something to the Homelink program that might be of importance to the—

**Hon. Mr. Mancini:** Why do we not just go directly to votes? That way we will resolve this once and for all.

**The Vice-Chairman:** And you can ask the questions on that—

**Hon. Mr. Mancini:** And I assure you I will answer your questions without equivocation. Just go right into the votes, Mr. Chairman.

**The Vice-Chairman:** All right. We will move into these, and the questions that arise can be asked at that time.

We have item 1 under—

**Mr. Allen:** Mr. Chairman, if I might. I think in most of our estimates we leave votes open. In this case, as in other ministries, usually the discussion on the office of the minister is a very comprehensive discussion in which members can raise just about anything they want. I would suggest to you that perhaps our procedure should be—

**The Vice-Chairman:** Do you want to stand that one down and keep it for later?

**Mr. Allen:** —to simply go into the vote on the Office for Disabled Persons per se and allow people somewhat free rein.

1730

**The Vice-Chairman:** Rather than proceed a line at a time.

**Mr. Allen:** Then we can come back to quick one-liners, because you do not have many line votes to cope with at the end in any case.

**Clerk of the Committee:** Do you want to postpone item 1?

**The Vice-Chairman:** You are suggesting we postpone item 1. All right. Policy and community initiatives: did you wish to have questions related to that, Mr. Allen?

**Mr. Allen:** It is the Office for Disabled Persons we are on.

**Clerk of the Committee:** We skip items 1 and 2.

**The Vice-Chairman:** One and two, right. There are three items under vote 1201.

**Mrs. Marland:** You are under tab 3?

**The Vice-Chairman:** I have the estimates book.

**Mrs. Marland:** This is the book I was sent.

**The Vice-Chairman:** Okay. We are operating from different books.

**Mrs. Marland:** The ministry sends them to the critics, John. If you do not have them, you have to ask your chairman for them, I suppose.

**The Vice-Chairman:** You have to ask the minister for them because the chairman does not have them either. How do you like that?

**Mrs. Marland:** What is yours like, Richard?

**Mr. Allen:** I have a binder that has a whole series of tabs.

**Mrs. Marland:** That book? This is what I have.

**Mr. Allen:** Yes, something like yours, and the tab that I have turned up is—

**The Vice-Chairman:** You have it broken out, rather than the three categories that we have.

**Mr. Sauvé:** It is simply a photocopy of this.

**The Vice-Chairman:** Is it simply a photocopy of this?

**Mr. Sauvé:** Exactly. Every member has been sent a copy of it.

**The Vice-Chairman:** Okay. Under policy and community initiatives, there are a certain number of lines. Is that correct, Mr. Allen? Is that what you have before you? Salary and wages, employee benefits, transportation—

**Mr. Allen:** It is vote 1201 and there are items 1, 2, 3 and the statutory appropriations. So we have the Office for Disabled Persons, which includes the main office, policy and community initiatives, Ontario advisory council, etc.

**The Vice-Chairman:** That is right.

**Mr. Allen:** Okay. Then what we do in effect is, this is the total budget for the Office for Disabled Persons and we simply open up the

discussion of the estimates per se by opening discussion on that vote.

**The Vice-Chairman:** All right.

**Clerk of the Committee:** Are you talking about item 3, advisory council?

**The Vice-Chairman:** Yes.

**Mrs. Marland:** Where is there more detail under line 1, for example?

**The Vice-Chairman:** That is what I am asking. Did you have more detail than I had before me?

**Clerk of the Committee:** We all have the same one.

**Mrs. Marland:** I think we need more detail.

**The Vice-Chairman:** That is where you can direct questions to the minister relating to that.

**Mrs. Marland:** I have dealt only with Environment estimates before, and they were very detailed as to program costs and the change between the estimates and the actual expenditures. But these are such global figures; I mean, even to discuss Homelink, for example, it is pretty hard to proceed without more detail. How long is it going to take us to get more detail?

**The Vice-Chairman:** It is my understanding that each ministry has the right to present its estimates in the form that it determines is sufficient to allow an inspection of the budget. On that basis, this is how they have been supplied to you. Now, if you feel you want further detail or specific detail, I assume you can stand down items until next Thursday if you are requesting other information.

**Mrs. Marland:** When do we continue these estimates?

**The Vice-Chairman:** Next Thursday; a week from today.

**Mr. Allen:** What Mrs. Marland is looking for may be located in some but not all of the various project items that come up on vote 1201, items 1, 2 and 3. For example, tab 9 has the Homelink page, vote 1201. It comes up under item 2, policy and community initiatives, and it does state in the first paragraph that the government in its 1986 budget announced \$5.4 million for housing initiatives geared to disabled persons. Subsequently, \$155,000 was allocated for each of the two years towards the Homelink project.

What we do not have, however, is a line-by-line breakout of something that says "Homelink" on the budget page, which then gives us a quick summary of how much is going into Homelink, how much is going to research projects, how



much is going into the Action Awareness Association, etc.

Could we ask the ministry next Thursday to appear with a page that just gives us those on a simple line-by-line basis, rather than scattered through a lot of documentary and textbook material? Is that possible?

**Hon. Mr. Mancini:** We will try to provide the committee with whatever information the committee would like, but this is pretty well the same format that we used last time.

**Mr. Allen:** Yes, that is right.

**Hon. Mr. Mancini:** I do not know—if I look at the information provided, maybe we can quarrel with the order, but I think pretty well everything we do is here.

**Mr. Allen:** Everything you do is here, except there is not a breakdown of the proportion of expenditures on the different project items that come up under the various votes and are listed under numerous tabs.

**Hon. Mr. Mancini:** Ask us and we will see if we can answer those questions.

**The Vice-Chairman:** Put in a specific request and see if that can then be responded to.

**Mrs. Marland:** Just look at tab 9, since that is the one that has come up already. It says there what the government has announced.

**Mr. Allen:** Okay, thank you. Page 6, that is that expense, but I do not see anything that refers to Homelink or a breakdown of the—

**Hon. Mr. Mancini:** It says "Homelink."

**Mr. Allen:** Where is that?

**Mrs. Marland:** Tab 6.

**Mr. Allen:** Yes, I am sorry. But the Homelink brochure is under "communications," not "Homelink" per se.

**Mrs. Marland:** Our tabs must be different.

**Hon. Mr. Mancini:** If you go to page 99, tab 3—

**Mr. Fleet:** On a point of order, Mr. Chairman: First of all, it is readily apparent that not all members on this committee have the same information in front of them, whatever the reason for that. But it is obviously causing some problem in our proceeding efficiently. I am mindful also of the time.

A little earlier I thought there was an agreement—whether or not everybody liked the procedure—that I was going to get to raise four points. We then dealt with two of them. Then we were going to go into line-by-line on the notion—I think just by inference—that I was going to be

able to raise the points in line-by-line. But as I hear the commentary coming out about how they want to raise line-by-line, I frankly think my other two points are not necessarily somehow better in that context. Given the confusion and the time, I would like to pose my other two questions.

**Mr. Allen:** It was simply inappropriate earlier, that is all.

**The Vice-Chairman:** Mr. Allen, you will agree, though, that although we may feel that, I think there was a concurrence by the committee that Mr. Fleet could proceed with these four, two of which were placed. He does have a point. We concurred that he could have four comments which he would ask the minister to respond to, and then we would get into line-by-line.

I am also conscious that we have only, or will end up having at the end, about another three hours.

**Mrs. Marland:** I think what is terribly critical here is the fact that we have seven hours of estimates. We have used four and a half; two this morning and two and a half this afternoon.

The point is, it is very important that we establish tonight what material we need. I am speaking for Mr. Allen and myself primarily. The government members can speak for themselves. If we need to give direction to the ministry on what information we need to continue this next Thursday, we had better be very clear. What I am saying is that there are too many global figures in here.

**The Vice-Chairman:** Could I suggest, Mrs. Marland that—

**Mrs. Marland:** May I just finish? The other thing is that I would like to know whether my tabs are set up the same as everybody else's. My estimates briefing note came from the Office for Disabled Persons. Under tab 6, I have one page. I am using this only as an example. This is on the subject of staff, in terms of numbers.

1740

**Hon. Mr. Mancini:** If you look at the page prior to that, Mrs. Marland, and the page following.

**Mrs. Marland:** The next one is barrier-free design; that is the one after. The one before is—  
Interjection.

**Mrs. Marland:** This does not tell me what the picture is from the other year. This gives me the budget in terms of—

Interjections.

**Mrs. Marland:** Under tab 5, we have figures for 1988-89; we do not have the actuals.

**Hon. Mr. Mancini:** Every member of the Legislature has this book. If you turn to the Office for Disabled Persons, page 98, you will see that there are three columns there. One says, "Change from 1987-88." Then there is another column that says, "1987-88 Estimates," and then there is another column that says, "1986-87 Actual." That will give the difference that you were questioning me about.

**Mrs. Marland:** Is that broken down by program?

**The Vice-Chairman:** Not by program.

**Mrs. Marland:** That is why it is not enough information.

**Mr. Callahan:** On a point of order, Mr. Chairman: I think the minister—

**Hon. Mr. Mancini:** It is the same information we provided last year without any problems. I believe we provide more information than any other ministry that goes before a committee. We operate a small ministry. We put together a binder to the best of our ability, which describes in considerable detail everything we are doing and the amount of money it costs. If you want to know the salaries of the seven or eight people who work in my office, ask me and I will tell you what their salaries are. If you want to know how much money I have spent on travel for my excursions to Thunder Bay or Ottawa, I will tell you.

**Mrs. Marland:** No. I want to know the cost of programs.

**Mr. Callahan:** On a point of order: The minister is probably quite correct that those have been sent out to everyone who was on this committee. I suspect what has happened is, as you know, with the session having started the committee members change. I have not seen one in my office. Mr. Fleet says he has not. Obviously the critics have received them because they are binder items that they have been given as critics. I think in light of that—and it is a legitimate point of order—we should adjourn at least the debate on these until we do get them; and perhaps with my friends, the critics, will meanwhile allow Mr. Fleet to ask his questions.

**Hon. Mr. Mancini:** Let us do the best we can. That is all.

**The Vice-Chairman:** We may do the best we can, but it appears that the critics are not happy with the information supplied. Perhaps, if they wish more, they would, before we adjourn, give

specific requests for information, and that can be supplied by next Thursday.

**Mr. Allen:** That was the burden of my request.

**The Vice-Chairman:** That is what I gathered.

**Mr. Allen:** Take the project items that appear under the tabs—

**Hon. Mr. Mancini:** I can probably say in all confidence that this little ministry probably gets more scrutiny line per line than the Ministry of Health which spends \$12 billion. You guys can spend your time doing whatever you want; I do not really care. I am here to serve you and I will serve you the best I can.

**Mr. Allen:** There is no need to get testy about this. The fact of the matter is that we have been allotted seven hours to examine your ministry, and if that means that it gets more detail than 14 hours on the Ministry of Community and Social Services—

**Hon. Mr. Mancini:** That does not matter, but the information is there.

**Mr. Allen:** —theirs is a very, very large budget, and that is the way it happens.

**The Vice-Chairman:** Order. Let's not get into a debate. If there is specific information Mr. Allen and Mrs. Marland want, they should put their requests forward. I am sure, in the interests of time, it can be deferred until next Thursday, at which time the information will be available and we can utilize that information, but it will just be added to the time—I mean the added time will still be considered.

**Mr. Allen:** What I asked was that the minister provide us with a sheet which gives us a summary statement of expenditures on the discrete project items that are included under the tabs and to give us some comparison for the previous year, and that is all. We can then see it on one printout rather than loaded through a lot of text on the one hand, and with some previous-year comparison. That is all Mrs. Marland is asking; that is all I am asking.

**The Vice-Chairman:** Do you concur, Mrs. Marland? Is that what you are requesting?

**Mrs. Marland:** I do concur, but what I want to make clear is that we need more detail than the page to which the minister referred a few minutes ago, which is in the budget book. We need to know what the budget was for all of the programs within his ministry and what the actuals are. I mean, how else do we know? It happens that it came out under my questioning today that we are underspent in the access fund.



**Hon. Mr. Mancini:** You asked the same questions last year. You got the same answer last year.

**Mrs. Marland:** I have not finished. The chairman asked me what I needed.

**Hon. Mr. Mancini:** No, but I think you got an answer to the initial question, which you agreed on.

**Mrs. Marland:** There are tabs here that do not have information attached to them; they are program initiatives and program costs. I am not particularly interested in a small ministry and what the staff earn, in answer to the minister's little outrage a few minutes ago.

**Hon. Mr. Mancini:** Whatever you want.

**Mrs. Marland:** I am interested in where we have budgeted for programs where the programs have not used that money and where some programs may have been overspent. I may be the first to support some overexpenditures, if there are any, but I have to have figures line by line, program by program.

**Hon. Mr. Mancini:** Can I take you to tab 5, please? You will see a page entitled "Item: 1202, Office for Disabled Persons."

**Mrs. Marland:** Pardon? It is not under my tab 5.

**The Vice-Chairman:** Mrs. Marland is missing a page.

**Mrs. Marland:** I think I must be missing a page.

**The Vice-Chairman:** There must be some sequence problem to your book.

**Mrs. Marland:** Did you say 1202?

**Hon. Mr. Mancini:** If we go to tab 1202, we will see, I think, just about everything that we have been asked for. We will see lines that say "1987-88 Estimates" and "1987-88 Actuals," so you can have the comparison. We will see the 1988-89—

**Mrs. Marland:** What are you on now, 12?

**Hon. Mr. Mancini:** Item 1202.

**The Vice-Chairman:** It is 1202, under tab 5.

**Hon. Mr. Mancini:** That page I took you to. The pages appear in front of the numbers, okay. So you will see the 1987-88 estimates, the 1987-88 actuals, the 1988-89 estimates and the increase from 1987-88; I think exactly what the members of the committee have asked for. You will see it in the categories of salaries and benefits.

Then when we go down to the specific questions, I think Mr. Allen and Mrs. Marland

have asked us about direct operating funds for programs. You will see that, in 1987-88 estimates for the community action fund, we allocated \$850,000. The actual was \$847,100. The estimates for 1988-89 were \$1.15 million and the increase was \$300,000; the same thing for the Barrier-Free Design Centre.

Under the housing registries fund, which is actually the Homelink program that I think Mrs. Marland or someone was asking me about, you can see that the actuals and the expenditures are \$155,000 in each year. That is what has been allocated.

We were asked about the access fund. The moneys are there. Mrs. Marland asked about the underexpenditure, which shows up as \$439,100. We show in the line underneath that the moneys allocated to the Easter Seal Society, and then the next year, the increase and everything else. If you would look at that, Mr. Allen and Mrs. Marland, and if there is anything—

**Mrs. Marland:** Just to show you where I think there is something, perhaps in the presentation: on the access fund for 1987-88, it has \$2.5 million. Right?

**Mr. Sauvé:** Yes.

1750

**Mrs. Marland:** And it is supposed to be \$5 million a year.

**Hon. Mr. Mancini:** Half of it is from seniors; that is our half. I administer the program; the Office for Disabled Persons administers the program. Half of it shows up in my budget estimates; half of it shows up in the office for senior citizens' affairs.

**Mrs. Marland:** When it was originally announced as a \$15-million, three-year program?

**Hon. Mr. Mancini:** Right. We split it. It comes half from my budget and half from Mavis Wilson's budget for seniors, but we administer the program. That is why we deal with the community groups and you will get contact from our office that this is happening or something else is happening, but one minister or ministry had to be put in charge of the program for the process of administration. That is why Doug Mayer is here, because he administers, he is the manager of our program and he works in our department, but you see the \$2.5 million because the other \$2.5 million will come up in the office for senior citizens' affairs. It is there.

**The Vice-Chairman:** Is that clear, Mrs. Marland?

**Mrs. Marland:** Your explanation on this page is clear, but that is not the way it was announced.

**Hon. Mr. Mancini:** How was it announced?

**Mr. Callahan:** It was a joint announcement by seniors' affairs and the minister for the disabled, to my recollection.

**Mrs. Marland:** No, it was not.

Interjections.

**Hon. Mr. Mancini:** I was not minister at the time. I do not know how it was announced. All I know is—

**Mr. Callahan:** It was a joint announcement.

**Hon. Mr. Mancini:** Yes.

**The Vice-Chairman:** Mr. Allen, does that answer your question, or are you still seeking additional information to that?

**Mr. Allen:** It does, part way. I am not prepared to stay and fight about it.

**Hon. Mr. Mancini:** No, Richard, we will provide you with what you want. Tell us what is not on item 1202 and we will get it.

**Mr. Allen:** For example, the trend of expenditure on the Action Awareness contract does not appear to me to be included. I must confess that I had not translated the housing registry's fund into the Homelink plan—

**Hon. Mr. Mancini:** Yes. I am sorry, that is our—we will do that differently next year.

**Mr. Allen:** The research, for example, in the tab "research projects": what is the trend on your research? Is it increasing? Is it decreasing? That is not immediately apparent.

It is not that these things all have to be in these items, but I think what Mrs. Marland and I are up against is that if we wait till next time to ask you, we will not get back to the question. We are up against trying to get a few more stats to work with next week. The access fund is tabled year by year, so that is not especially a problem. Information services is in the more general printout, I believe, is it not? Or is it under tab 4, information services? No, I do not see a head for information services. Have your information services been an increasing or a decreasing budget?

You do not fund directly the Premier's awards?

**Hon. Mr. Mancini:** We pay the whole shot.

**Mr. Allen:** You pay the whole shot.

**Hon. Mr. Mancini:** I think it is \$70,000.

**Mr. Allen:** Is that in the comparisons? Is the Premier (Mr. Peterson) spending more money year by year?

**Hon. Mr. Mancini:** No, he is spending less this year. As a matter of fact, you raised that matter last year, so I put my thumb on it and I think we are spending less there this year. As a matter of fact, in the past we had a sit-down lunch, and this year we are going to have a standup reception.

**Mr. Callahan:** Mr. Chairman, I believe the House has adjourned. I draw your attention to that.

Interjections.

**Hon. Mr. Mancini:** I would like to go until the critics are satisfied. I have time.

Interjections.

**Mr. Fleet:** With the greatest of respect, I am not necessarily so inclined.

**The Vice-Chairman:** No, we can go to six.

**Mr. Fleet:** With the greatest of respect, I think the points have been made. We have kind of jumped around as to rules and procedure here today, for various reasons.

**Mr. Allen:** At your instigation, Mr. Fleet. After all, that is not—

**Mr. Fleet:** I still have not had a chance to ask my last two questions, but I did expect at some point in the process—it seemed as if it was being talked out. I do not know; maybe it was, eventually.

**Mr. Allen:** There will be lots of opportunity for you next day.

**Mr. Fleet:** Undoubtedly. I move we adjourn.

**The Vice-Chairman:** There is a motion to adjourn. What is the wish of the committee?

**Mrs. Marland:** We normally go to six. This is really petty.

**Mr. Allen:** We are talking about closure.

**Mr. Fleet:** It is not closure, it is a motion.

**Mr. Allen:** We are not even in the section where you can move a motion, Mr. Chairman.

**Mr. Chairman:** The motion to adjourn is in order, as I understand it, at any time.

**Mr. Callahan:** It is also nondebateable, but—

**Mr. Sola:** So you are going to debate it.

**Mr. Callahan:** No, I am not going to debate it.

**The Vice-Chairman:** Okay. Before we actually put it to the vote, can we suggest that if the critics feel that there is additional information, can it be made—is there a forum in which they can ask the minister for that?

**Mrs. Marland:** Since we now have an unfortunate end to this afternoon—



**Hon. Mr. Mancini:** Tell me what you need, Margaret.

**Mrs. Marland:** —I am sure that we can contact the minister on Monday and Tuesday and tell him what we need for Thursday.

**The Vice-Chairman:** Okay. There is a motion to adjourn. Those in favour?

**Mrs. Marland:** Are you saying yes?

**Hon. Mr. Mancini:** I am saying yes.

**Mrs. Marland:** With pleasure?

**Hon. Mr. Mancini:** With pleasure. And I still love you, Margaret.

**The Vice-Chairman:** The minister has indicated he will respond to any inquiry for additional information from the critics.

We have a motion to adjourn. Those in favour? Opposed? Carried.

The committee adjourned at 5:55 p.m.

## CONTENTS

**Thursday, November 3, 1988**

### **Estimates, Office for Disabled Persons**

#### **Opening statements**

Hon. Mr. Mancini .....	G-57
Mr. Allen .....	G-64
Mrs. Marland .....	G-75

<b>Adjournment</b> .....	<b>G-101</b>
--------------------------	--------------

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

Callahan, Robert V. (Brampton South L)

Charlton, Brian A. (Hamilton Mountain NDP)

Cordiano, Joseph (Lawrence L)

Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

#### **Substitutions:**

Allen, Richard (Hamilton West NDP) for Ms. Bryden

Marland, Margaret (Mississauga South PC) for Mr. McLean

Stoner, Norah (Durham West L)

Tatham, Charlie (Oxford L) for Mr. Elliot

**Clerk:** Carrozza, Franco

#### **Staff:**

Smith, Cynthia M., Chief, Legislative Research Service

#### **Witnesses:**

#### **From the Office for Disabled Persons:**

Mancini, Hon. Remo, Minister without Portfolio (Essex South L)

Sauvé, Clem, Senior Adviser

McInnes, Ron, Chairman, Ontario Advisory Council for Disabled Persons

Mayer, Douglas, Co-Ordinator, Access Fund, Community Initiatives





CA 304  
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- G 23

No. G-4

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Office for Disabled Persons



**First Session, 34th Parliament**  
Thursday, November 10, 1988

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, November 10, 1988

The committee met at 10:25 a.m. in room 228.

### ESTIMATES, OFFICE FOR DISABLED PERSONS (continued)

**Mr. Chairman:** We will begin the meeting. I would like to note that the starting time is 10:25. In the absence of a quorum we could not begin until this time. I would like to pick up from where we left off last time. As I understand it, we are now at the rotation stage of the deliberations on the estimates for the Office for Disabled Persons.

**Ms. Bryden:** I think it is unfortunate that the lack of a quorum prevented our starting till 10:25. Some of us were here and ready to go.

I wanted to speak particularly about the access fund and where we are at on it. I notice that in the briefing book it is mentioned that there were 129 applications received up to the December 31 awarding of grants, but only 61 had been dealt with. In listing the ones that had not been dealt with, the ministry noted that there were, I think, 23 that were not approved because projects had been completed prior to approval. That is a fairly large group out of the 129. The other rejections were because the organization withdrew or requested reconsideration at a later date or did not meet the criteria.

I would like to ask the minister the cause of the delay in getting the program operational before October 31, when it was announced in June. It was actually announced in the budget: \$15 million over three years to be divided between the two offices concerned with access, the Office for Disabled Persons and the Office for Senior Citizens' Affairs. After the announcement in June, people thought the program was in effect and started to make plans, to estimate what their costs would be under the plan and to put an application in.

One of the 23 organizations among those not approved because the work had started prior to approval is in my riding. It was a church that was doing a very extensive renovation, elevators and so on. They had their plans all made early in 1988, and as soon as the minister announced it they started to ask, "Okay, when do we put in our application and when can we start applying for this money?" They got the usual form that was sent out to a very large mailing list in late

September or early October for the August 30 deadline.

They did not find out actually until their application was processed that they were not eligible because they had completed their work before the approval process. Up until then they had been led by the ministry officials to believe that if they got their application in they would get some sort of consideration for a grant for their entire project. This was what the fanfare about the program had indicated.

They were very disappointed about being rejected. I think they were finally given a token payment of about \$100 as a sort of compensation, but of course they felt that was an insult, that their costs were much, much higher and that they were simply disqualified because of the delay in the ministry getting its act together between the time of the announcement in June and the time that it was actually ready to receive applications and process them for the December 31 allocation. Could the minister tell us what the explanation is for this delay and why 23 organizations that hoped to get help from the government did not get it?

**Hon. Mr. Mancini:** Can I just say to the member that the operations of the branch that looks after the access grants was put in place, I believe, shortly after the announcement was made. Is that correct?

**Mr. Sauvé:** They were concluded between that time and October.

1030

**Hon. Mr. Mancini:** It took a small amount of time to get the staff together and get them office space and do the things you have to do when you create a new program.

**Ms. Bryden:** Then why was the announcement made in June, if not as an election gimmick?

**Hon. Mr. Mancini:** I do not think it was an election gimmick, because if you look at the application which everyone who applied received it states very clearly—I do not know if you have had a moment yourself to look at the application and I do not in any way dismiss the comments you have made about the good intent the church had and the goodwill it displayed in wanting to make its facility accessible. I do not in

any way want to diminish that, but the application itself is very explicit in its terms and states very clearly that the project must not be undertaken until the approval has been given.

I can tell you that a number of colleagues in all parties have come forward with specific instances where organizations commenced work, did work and in some cases completed work, before the approval process was completed. Every single one was treated the same. I was under relentless pressure from some members, some of them my own colleagues in the Liberal Party, and felt I could not bend the rules for them without putting in jeopardy the integrity of the program.

The \$100 you speak of is not a token payment. We have had possibly two other organizations, churches in particular, where work was commenced, and because of the representations made we sent our manager either to the location or to review the files completely with the instructions that if there were any portion of the work which could be funded under the criteria without changing the rules, no matter what that portion is or was, then I wanted the money to flow. The \$100 was not a token payment. The \$100 would not have flowed if that portion of the work had not met the guidelines.

We know there are some disappointments out there in regard to not everyone being able to qualify or receive the moneys, but I can tell you we treated everybody the same and we resisted great pressure from all sides to more than bend the rules. If that in any way makes you feel better, those are really the facts.

**Ms. Bryden:** I hope that in future if you are announcing programs of this sort that you will make it very clear in the announcement that the program is not operational until a certain date, because I do not think that was in the announcement.

**Hon. Mr. Mancini:** I was not minister at the time, but on June 24, 1987, a press release from the Office for Disabled Persons was released with the title, "\$15-Million Access Fund for Disabled Persons and Senior Citizens." It reads, "Nonprofit community groups who want to improve physical access for disabled persons and senior citizens will be eligible for a \$15-million grant program announced by the Office for Disabled Persons," etc., naming Mr. Ruprecht and Mr. Van Horne, the ministers of the day.

The third paragraph states, "The access fund, to be operational this fall, will provide matching grants of up to \$50,000 to private sector, nonprofit organizations and agencies serving disabled persons and senior citizens."

The press release does state "operational this fall." Possibly another paragraph could have been included to give more detail, but it was stated that the program would be operational in the fall, meaning that staff would be available to send and receive applications and to answer inquiries. I do not in any way diminish your argument. It could have been more clear, but at the time it was probably thought that stating it would be "operational this fall" would suffice.

**Ms. Bryden:** The people they spoke to on the other end of the phone, I guess, did not explain to them what "operational this fall" meant, so that they thought they would probably be covered if they went ahead with their plans. This may have been a lack of communication.

**Hon. Mr. Mancini:** Yes.

**Ms. Bryden:** One of the things necessary for eligibility is that they must be incorporated. I do not think you said that in your press release. Incorporation is all right for churches or municipally funded seniors' centres, but there are small groups that help disabled people and/or seniors and that perhaps just pay rent for a warehouse they have converted into a clubhouse that also need access funding. The landlord is not prepared to do it in many cases.

It is true that you do not want to do large renovations to a building you do not own, but possibly ramps could have been provided for that kind of organization. Should there not be some flexibility in the rules of the Office for Disabled Persons to consider applications which do not meet that incorporation criterion? As you know, it costs anywhere from \$500 to \$1,000 to get incorporated, and that is beyond the means of a small club set up to assist disabled and seniors.

**Hon. Mr. Mancini:** Mr. Sauvé tells me that is government policy, that is corporate policy to do so. I do not know. We agree with your comments. I cannot promise you that we would change the rules, but I would be willing to sit down with staff and see how we could—

**Ms. Bryden:** It certainly does not fit in with the opening up of government and of grants from government to all levels of the population.

**Hon. Mr. Mancini:** If it does not cause undue pressure or problems from the other end, I would be happy to consider it, without any promise that it will be done. You make a point. We will look into it.

**Ms. Bryden:** My final question on the access is, why is the fund down from \$2,500,000 in the last year's estimates to \$2,350,000 in the present estimates? The same decrease occurs in the



estimates of the Office for Senior Citizens' Affairs, so there is a total of \$300,000 drop in this fund in the two areas. Why the cut?

**Hon. Mr. Mancini:** I think Mr. Sauvé can answer that one.

**Mr. Sauvé:** There is a \$150,000 that was removed from the fund itself to pay for the operating cost of the fund, for the staff and the related expenditures: the application forms, the mailings involved, the technical advice that we seek on some projects from the Barrier-Free Design Centre, etc.

**Ms. Bryden:** You mean this is a program of the ministry where it is paying the administrative costs, the paper, the pencils and so on? Other programs do not have their administration costs removed from the funds available for a program, at least not when it is a straight grant program. Grants are cut by that much because you are charging up the administrative costs which the ministry, when it announced the program, presumably was ready to accept.

**Mr. Sauvé:** Some of the administrative costs were absorbed. There are at least two staff, one from the Office for Disabled Persons and one from the Office for Senior Citizens' Affairs. That was the basis of this group to get the program operational. In total, in the access fund staff there are five people, so the \$150,000 was to pay for the three additional staff plus some of the operating costs, particularly as they relate to the technical advice we had to seek from the Barrier-Free Design Centre on some of these projects.

That was the option we decided to pursue rather than, let's say, hire an architect on our own staff, which would not have been a very cost-effective measure, I do not believe, because while some assistance and advice is required it is not a full-time position; so we decided to contract that aspect of the operation out.

1040

**Ms. Bryden:** But that means there is that much less money for actual grants to applicants. Does the minister expect that the funds that are available, less administration costs, will enable you to fulfil all the eligible applicants that appear in the next year? There are two more closing dates in this fiscal year, is that right? What are the closing dates? In your speech you say there are five before the end of 1989. Are you talking about fiscal 1989? Could you give us the closing dates?

**Mr. Sauvé:** It is just as of October 1, 1988; the next two are April 1 and October 1, 1989. We are

in the process right now of reviewing, analysing and bringing before the review committee the projects that were received as of October 1.

**Ms. Bryden:** I do not know what you meant when you said there are five successive deadlines for applications up to October 1989. It was only October 1, 1988.

**Mr. Sauvé:** No, that was—

**Ms. Bryden:** No; that is right, there are two before that.

**Mr. Sauvé:** No, it was December and April; and now October, and April and October 1989.

**Ms. Bryden:** Okay. These estimates cover whatever is paid out from the assessments on which dates? Are you still paying for the ones that were approved on December 31 or the ones you approved on April 30, 1989?

**Mr. Sauvé:** How the program operates is that, on approval, the corporation or the group receives 50 per cent of the anticipated project cost; the other 50 per cent is paid upon completion. So in the current year, yes, there will be a bit of carryover from the December projects because not all of them were able to complete their project in that short three-month period. So, in fact, probably on the majority of the December 1 projects, there would be a carryover of the second payment plus the April 1988 and October 1988 first instalments.

**Ms. Bryden:** Do you anticipate that you will be able to meet most of the eligible requests on those deadlines that occur within this fiscal year, plus payment of any backlog?

**Hon. Mr. Mancini:** I would hope that we could. It depends on the number of applications, of course, as the program becomes better known. As people want to try to use the program to benefit the community, I think an increase in applications will take place. But I am hopeful that we can try to accommodate the vast majority of all applicants. Mr. Sauvé tells me that, so far, every qualified applicant has been funded.

**Ms. Bryden:** Will you apply for supplementary estimates if funds are not sufficient for the demand once the program does get better known?

**Hon. Mr. Mancini:** I am not sure it quite works that way.

**Mr. Fleet:** I wanted to raise a couple of questions with the minister, one of which centred on the debate—I guess that is the best word to use—about different methods of teaching for the deaf and hearing-impaired. You did refer to it in your opening statement. I think the last day it came up a little bit.

My own familiarity with the Canadian Hearing Society and people from the Bob Rumball Centre for the Deaf and what not would suggest a very strong advocacy for change in the system and the Minister of Education (Mr. Ward) had announced things. But I am wondering whether you can indicate what time period you anticipate it is going to take for that community to get through with the government all of the debate to determine what method is best for teaching the deaf and hearing-impaired and whether that is going to represent any particular financial impact for the government in making a changeover if that happens.

**Hon. Mr. Mancini:** I believe that by June 1989 the committees that were announced by the Minister of Education in the Legislature not more than a week ago could possibly have their reports completed, and then possibly an extensive public debate would take place after that. Knowing how things move around here, it may not be June; it may be July, August or September. I think we are definitely talking about the first two thirds of next year anyway, the calendar year, to try to make the changes that a great number of us have talked about in the recent past and that were brought to our attention pretty vividly in the Legislature by Mr. R. F. Johnston's private member's bill. I think many of the concerns he spoke about in that private bill were being raised to me almost simultaneously by different groups. Being a new minister, I am looking for all the help I can get from all sides of the House, and I think that the response of the Minister of Education was very positive and very forthcoming.

I do not want to underestimate the debate that will take place, because there are great divisions as to how one should proceed with deaf education, if I can use that terminology or phrase. But I think that by going through the process we have announced we will certainly have a better handle on things and we will have the kind of public debate that is needed, both inside of government and outside of government.

I recently visited the Belleville School for the Deaf and found that the superintendent, teachers and students were all aware of what the Minister of Education intends to do and they were all quite excited about it and looking forward to the process. I do not know how much financial demand the process or the outcome of the process will place upon the government. I am not sure where those figures will line up, but I am assuming that there will be some.

**Mr. Fleet:** I will not give any great history of my involvement with it, but certainly I had

clients in my law practice quite a number of whom were not well served by the existing system. Any movement that would assist people learning and using sign language, I think, would tend to be of great benefit.

My other question related to a matter that was brought up last time involving the Barrier-Free Design Centre and a bit of the discussion about having a possible curriculum requirement in Ontario schools for architects or whoever else might want or need to learn about greater awareness of the physical needs for accessible buildings. I am wondering whether you would consider making a recommendation to the Ontario Institute for Studies in Education for curriculum development in that respect, that that might be an appropriate forum—not to be contrary to the Barrier-Free Design Centre but rather to complement that, to use the information they come up with and have a standing vehicle able to inject new ideas and new things that are learned through OISE into the various aspects of the education system in Ontario.

**Hon. Mr. Mancini:** I think we can break down the work of the Barrier-Free Design Centre basically into two sections. One is the work that they do with architects who are already in the field and have graduated and are out in the public domain doing work. The Barrier-Free Design Centre holds seminars, which can be attended up until this point at no cost, I understand. They have put together quite a document that is extremely helpful and is used.

The second part involves what we are going to do to alert, educate and promote awareness within the architectural community as young architects are being trained in their profession. To that end, the Barrier-Free Design Centre has put together, I think, a 13- or 16-week course for Humber College, which I think will serve as a very useful tool.

#### 1050

The greater question following that is, how can we get more of that type of teaching in the other community colleges, or maybe even at the universities around the province? I think your suggestion of having something at OISE is in fact a good suggestion, but my understanding is that people go to OISE, probably, after they have graduated; they go to OISE for something else. I think the Barrier-Free Design Centre is kind of doing that on its own by holding these seminars in different parts of the province.

I would not be adverse to writing, and would be more than willing to write to the university presidents and to the college presidents to inform



them as to what is going on at Humber, asking them to consider what could be done on their own campuses. As you know, the colleges and universities are autonomous to a great degree, so I would want to elicit their co-operation. I would think that, to a great degree, we probably could get their co-operation.

We try to promote, to as great a degree as possible, accessibility through awards given to architects and landscape architects. The awards are known as the Premier's Awards for Accessibility, and now I as minister, for the second year will have what we refer to as the minister's award in conjunction with the Premier's awards.

What we have decided is to involve students for the minister's award. Last year we had basically no criteria for the minister's award, and it was up to us to decide whom we would give the minister's award to. At that time we chose to give the award to Carleton University because of the achievements that had taken place at Carleton for accessibility, not only physical accessibility but also the actual refurbishing of apartment units with attendant care for students with severe disabilities and just the general attitude and the awareness promotion that was being done at Carleton. I felt that the university there deserved to receive some recognition, and it received the minister's award last year.

This year we decided to change that and add some criteria to the minister's award and, if memory serves me correctly, what we intend to do is to send a package to all deans at different departments of architecture or design and to colleges and universities and to say, "Now here is a building"—have we chosen it? Is that the one in Orangeville?

**Mr. Sauv :** Yes.

**Hon. Mr. Mancini:** The Orangeville Mill. "Here is the Orangeville Mill. Get your students involved in a project that would make this facility completely accessible in every way imaginable."

By working through the deans and by their working with their students, we intend to raise and to elevate awareness at the community college and university level. We will be giving out some small financial awards to the student and a different type of award to the institution in order to make up for the time and in order to encourage them to take part. We are starting, slowly but surely, to build a foundation with the institutions that you are concerned about in order to get them to do more for the future.

**Mr. Fleet:** Good.

**Mr. Faubert:** I am sure the minister is aware of this; perhaps he is well aware that all

post-secondary education does not take place at colleges and universities. There are such things in commercial design studios, such things as commercial interior design programs that take place. All high-density residential design is not by architects in many cases. They are designed by design technicians, who have a different school of design.

It seems to me that one of the things you should be doing is looking at all these things. You mentioned landscape architects, but I think anyone who is involved in recreational programs should be well aware of accessibility and accessibility promotion. To take the course beyond this, are you actually outreaching to many of these people who would be in a position to influence such construction? Construction does not just necessarily relate to that which is done by an architect.

**Hon. Mr. Mancini:** As you can all see, I am getting extensive advice from all sides.

**Mr. Faubert:** Including the Ontario College of Art, by the way, which has an extensive interior design program.

**Hon. Mr. Mancini:** Yes, they are included, Mr. Sauv  tells me. I think your idea is a good one. I think we have embarked on that road already. In the Premier's awards, we do include all the people you have named for the possibility of receiving an award. That lasts for a short time. They come forward with projects they would like us to see, but we would be happy to take a greater look at what you say and—

**Mr. Faubert:** I sat on a municipal council for a great number of years and I never saw it brought forward, through either our buildings department or our recreation department, that such a design award program is available. It seems to me those are the types of access opportunities you are looking for within the public domain.

**Hon. Mr. Mancini:** My understanding is that this is the third year. This is the third time, is that right?

**Mr. Faubert:** I am only a year away from municipal politics.

**Hon. Mr. Mancini:** I am sorry, the fourth opportunity, my second opportunity as minister.

**Mr. Faubert:** Perhaps I will send you a little note on that.

**Hon. Mr. Mancini:** We would be more than happy to try to broaden the base of people we are trying to educate and make aware and come on board with many of the things all of us want to do, actually.

**Mr. Faubert:** I assume you look on this as part of your public education as well as the education of those who are in a position to influence design.

**Hon. Mr. Mancini:** Also on the changes to the building code; there have been some changes to the building code as far as accessibility is concerned. I understand there is more discussion going on for future changes to the building code, so we are trying to have the two meet, if it is possible.

**Mr. Chairman:** Ms. Bryden, do you have any further questions of the minister?

**Ms. Bryden:** Yes, I do. One I would like to raise is the question of giving disabled people the same treatment as seniors with regard to provincial parks. As you know, seniors get into provincial parks free on weekdays and half price on weekends. I think the disabled are entitled to the same sort of treatment because they do have low incomes in many cases. They do have extra expenses in even getting to a provincial park, because they often have to have special transportation provided for them, so the barrier of the fee as well keeps a great many of them from enjoying our provincial parks and the facilities they have. I would like the minister to comment about whether he is thinking of trying to put seniors and disabled people on the same footing with regard to admission to provincial parks.

**Mr. Sauvé:** You may recall that about two years ago there was a resolution passed in the Legislature. I believe it was proposed by Floyd Laughren. He was actually saying that the benefits of the seniors' privilege card should be extended to the disabled population as well.

Following that process in the Legislature, we established an interministerial committee under our leadership at the Office for Disabled Persons and we looked extensively at that issue. It became very difficult, or it got bogged down considerably in the definition of disability and to what extent various groupings of disabled persons would qualify.

#### 1100

The work of that committee sort of became oriented so that rather than provide financial incentives at this point, it would be important to ensure physical access was available. It is out of that process that the access fund was introduced. Before giving financial incentives to disabled persons to go to parks or theatres or other amusement or leisure-related places, the government would start off by trying to ensure that as many of these as possible are accessible first.

Perhaps with time the other issue of extending the privilege card can be reconsidered.

**Ms. Bryden:** The seniors, of course, also need the access work done, so that is a reason for doing it as well. It still seems to me unfair that disabled people do not have the same privileges of being encouraged to go, particularly in view of their low income. It seems to me disabled persons do want to attend places like Ontario Place and should have at least one day of free access, which at Ontario Place is now left to seniors.

The government is supposed to be interested in making disabled people part of the community, able to share in all the activities of the community, and I think that fee, for any of them, is a barrier. It may cost a little bit and it may be that some well-off disabled people might qualify, but it is sometimes better to err on the side of being too generous than to put disabled people in a very special discriminatory position regarding admission fees.

**Hon. Mr. Mancini:** Would you not agree with us, though, that it is very easy to decide what the criteria for a senior are, and that it would be much more difficult to decide the exact criteria for a person with a disability to obtain free access to a park or Ontario Place?

**Ms. Bryden:** Are you working on a definition of which disabled people are entitled to special services or transportation services?

**Mr. Sauvé:** Yes. The problem, too, is that for seniors there is a list of all senior persons in Ontario. All seniors receive the old age security and guarantee, or in some cases the guaranteed income supplement as well as the guaranteed annual income system supplement from the province, so there is a master list of who is senior.

In terms of the disabled population, the only list we have is those who are on the guaranteed annual income system for the disabled, which is about 90,000. Our own statistics tell us that there are 1.1 million disabled persons in Ontario, but we have a list of 90,000. There is not the comparable information base for the disabled population that there is for the seniors.

**Ms. Bryden:** I agree there is a problem, but I think it might be a gesture towards making disabled persons feel more a part of the community if some concession were made to admission to both entertainment and parks.

**Mr. Sauvé:** In terms of the Ministry of Natural Resources, for a temporary fishing licence it uses the approach of self-declaration. If someone



comes along and claims to be disabled, the fee is waived in that case.

Also, the disabled population itself does not want to be treated like the seniors, for instance, or does not want to be necessarily treated as always requiring government handouts. There is a sizeable movement within the disabled population to be totally integrated into the mainstream, to be treated like everybody else and given the same opportunities. So the question of extending the privilege card to the disabled population does not meet with total agreement, far from it, among that population.

**Ms. Bryden:** I am sure there is a large proportion of the disabled population that would not consider it something they should reject.

I have another question. Is there somebody else?

**Mr. Chairman:** That is fine. Go ahead.

**Ms. Bryden:** This relates to the independent living report the advisory committee has brought out. I am a member of a support group in my riding for a person with cerebral palsy who has spent 17 years in a nursing home, even though she is only 50 now, because there was no other place for her to go. There was not enough in the way of group homes or facilities to give her the living skills she needed for independent living. She still feels very strongly that she would like to have an opportunity for independent living.

To make a long story short, through the city housing corporation of the city of Toronto her support group was offered an experiment. They would make five apartments available in a new nonprofit housing development for the cerebral palsy person. A live-in person would share it with her and the other four apartments would be for her volunteer assistants who would give some of the services she needs at night, on weekends and so on for getting in and out of bed and that sort of thing.

The Ministry of Community and Social Services was supposed to supply the attendant care that she needed on a full-time, 24-hour or 12-hour-a-day basis. For the first two or three years of the attempt to increase independent living they decided to limit it to children, so her hopes of getting out and being able to take up this option of the city of Toronto were dashed for quite a while. She finally did get into the apartment last May, but the services that were provided through the Ministry of Community and Social Services were not sufficient to enable her to cope in that situation, so she has gone to a group home.

The problem is that whether she can get to that apartment depends on the kinds of services that are available to her on a sort of 24-hour basis plus, and whether she goes into a group home depends on whether she can get through the waiting list. Where she is now is a very temporary space in a group home, which is really designed for respite visits by parents who have disabled persons.

She has no security where she is. She has nothing but a waiting list facing her if she tries a new group home. While the apartment is still available to the volunteer group that was running it, they cannot put her in there until they get better services. What are you doing to try to help adults such as this person obtain the opportunities for independent living and the sort of life skills training that they need, as well as the attendant care and live-in care person in that program?

**Hon. Mr. Mancini:** I think you bring up a very important subject, one that gets at the heart of independent living for people with severe disabilities. You touched on one of the programs that is in place. That is the outreach attendant care program where an individual may only need two or three hours of attendant care a day or less, or more, but in that kind of range. You have also touched on the other end of that, which is pretty well 24-hour-a-day attendant care.

We have a program called support service living unit in which this type of support is in fact provided. We are trying to find for you the number of units that we have like this. If we are unable to do so this morning, we will draft you up a little note and send it to you.

I do not disagree with you that we could use a fair increase in this type of support. I wish we could do it with not a great deal of time passing, but I do not know how much of a commitment I can make to you. These requirements, through the Ministry of Community and Social Services, get tossed into its overall budget requests and allocations. I cannot in any way disagree with your comments that in order to live up to some of the things we would like to see done and some of the things we have said we have to increase this. Do we have those figures?

1110

**Mr. Sauvé:** No, unfortunately I do not seem to have the number of support services living units; that is like Dale House in Ottawa and Ashby House in Toronto. There are quite a number of them. All we have here are the percentages in the increase in the budget of outreach attendant care.

**Hon. Mr. Mancini:** But the outreach attendant care is a different subject, is it not, from

what Ms. Bryden was talking about? Ms. Bryden, you will give us some time to get those numbers?

**Ms. Bryden:** Yes, but I think you should realize that for every day that goes by the lifespan of these people who want independent living is running out and they are still in institutions of one sort or another. All the ministries, the Ministry of Community and Social Services, the Ministry of Health and your office, have made commitments to getting these people out of institutions and into some sort of independent living, but the funds are much too small. I realize it does not necessarily come through your office, but surely you can start to put pressure on those ministries.

If they are going to live up to this commitment and make independent living a meaningful thing instead of just producing reports or receiving reports from the Ontario Advisory Council for Disabled Persons, they should take strong steps to increase the facilities that are available, to increase the funding for independent care and also to increase the salaries of the people who are hired to deliver these services.

That was one of the problems with this cerebral palsy person. She did get an attendant care program from Community and Social Services about four years ago and it petered out after two years because they could not find people who would accept the job at the salary the ministry was prepared to give. Have you looked at the salary problem too, in giving this kind of care?

**Hon. Mr. Mancini:** Yes. This is one of the issues on our agenda as an office with direct responsibility for being the main advocate in government for persons with disabilities. Mr. Sauvé reminds me that the John Lord report, which I believe was commissioned by the Ministry of Community and Social Services, along with our own report done by the advisory council, is under review. Is it next spring they are going to get back to us or some time next year?

**Mr. Sauvé:** The advisory council's report and the John Lord report, which both deal with the issue of attendant care and basically independent living, are being reviewed by the Ministry of Community and Social Services. Some form of implementation plan, given the financial resources available, will come forward, probably in the new year.

**Hon. Mr. Mancini:** I do not want in any way to minimize attendant care because we know how important it is. With the volunteer work you do personally in the community, I am sure I am speaking to the converted.

The spending pressures we are now receiving from the Social Assistance Review Committee report are phenomenal. We are talking about several hundred million dollars for implementation and I believe that is just phase 1. Then there are the advocacy reports of O'Sullivan, Fram and Manson. The pressures on the government for expenditures at this time are just tremendous; I guess it has always been that way. In the context of all that, we are going to do everything we can to upgrade support services living units.

**Ms. Bryden:** As you know, institutional care costs a lot more than getting these people out into their own living arrangements, even if they do need some attendant care, so it is false economy. You say the government is short of money, but what about the more than \$1 billion it is getting from that extra one per cent on the sales tax? They are not giving it to people like this. They seem to be spending money on all sorts of economic development grants to industries that do not necessarily produce additional jobs, IDEA Corp. and things like that. It seems to me we have to change our priorities.

**Hon. Mr. Mancini:** If we look at the social policy side of the expenditures of this government, I think the moneys you referred to are quite significantly funnelled into that area. If we are going to include the ministries of Education, Health, Housing and Community and Social Services and what they have done over the past year or two, I think a lot of that \$1 billion is right there. The IDEA Corp. has been wrapped up.

**Ms. Bryden:** It cost a lot of money in the process.

The Ministry of Health was also involved in this particular case, because when she came out of her nursing home to move into Cityhome, she still needed some medical services, so she applied for home care. They held about three assessments on the question and decided she did not need any medical care, even though she does require the Victorian Order of Nurses to visit her once a week.

**Hon. Mr. Mancini:** This is that same person.

**Ms. Bryden:** It is the same person. Her name is Geraldine Maynes and she is currently in a Ministry of Community and Social Services group home. Incidentally, that is a problem too, because the only place they could get her was some place away up on Steeles Avenue, about 20 kilometres from where her family is in the Beaches. So it is very difficult for them to visit her.



**Hon. Mr. Mancini:** What is your opinion of the group home she is in now?

**Ms. Bryden:** As I say, (a) it is only temporary space because it is intended for respite care for parents so they do not really have a bed there without keeping some respite person out; and (b) it is too far away from her family and friends. The Cityhome apartment she was in was right in the Beaches neighbourhood. In her case, she really has no solution to her problem. The Ministry of Health could have perhaps helped her transition period by getting adequate and co-ordinated attendant care under the home care program, but that seems to be a law unto itself too in Toronto. They could not move it.

It is something I hope the minister will be looking at, to try to get more people out of institutions, both the disabled and frail seniors and that sort of thing, who could operate on their own with more help.

**Hon. Mr. Mancini:** That is a two-way street with the municipalities also. As you know from a number of experiences, not only here but in different parts of the province, there is always some resistance but that is not a reason for us to slow down in our approach or our philosophy towards that.

**Ms. Bryden:** It also ties in of course with the integrated homemakers. Some disabled people need that. I think my colleague Mr. Allen dealt with that at some length in his leadoff. Certainly, that is a program that is really needed by the disabled just as much as by seniors. We only have pilot projects so far on that. Are you working with Community and Social Services on that program as well?

**Hon. Mr. Mancini:** Yes, we are. It was discussed at the cabinet committee on social policy, of which we are a full member.

**Ms. Bryden:** I would like to talk about transportation for the disabled. I know the Minister of Transportation (Mr. Fulton) has announced various initiatives to make more taxis available and make more grants to public transit, but there are still a good many who cannot use the subway and find that the Wheel-Trans operation, in the city of Toronto anyway, is very inadequate in that they have to book a long way ahead and sometimes the bookings are cancelled on very short notice. It really is not giving them the kind of 12-hour-a-day service that a lot of them need, including the evenings. I think that you cannot expect the TTC rider to pick up as much of the cost as they probably are right now, because they do travel on a single streetcar fare.

Can your ministry not talk to the the Minister of Transportation and the people concerned with developing public transit to provide greater funds and more variety in the kinds of access that are available for disabled people who cannot use the ordinary subway and streetcar services?

1120

**Hon. Mr. Mancini:** There are a number of things that are happening right now. The most obvious, of course, was the recent announcement by the minister, I guess it was late last spring, when he announced \$50 million over five years for initiatives, the total amount strictly directed for enhancing transportation for people with disabilities.

The office is a full member of the interministerial committee on transportation, and we have gone through quite a lengthy process to try to plan for the future. Many of the very things you have brought up this morning have been thoroughly discussed and the interministerial committee's report will, in due course, go through the full range of cabinet committees, proceed to cabinet, and then it will be tabled for public discussion to see whether or not we can find majority acceptance for what is in the report.

As we go through the process, a great deal not only of government public input will have taken place, but if I could say so maybe a plan for the future will have emerged; at least that is what I am hoping for.

**Ms. Bryden:** How distant?

**Hon. Mr. Mancini:** I would say to you that even our own advisory council, which you referred to on a considerable number of occasions, in the reports they have written state that having a full access to the subway system is something which is considerably in the future. I strongly agree that any work done on the extension of any subway line within the province—of course, we are talking Metropolitan Toronto—that accessibility features be built in so that we do not have to go back and retrofit.

Retrofitting is a lengthy procedure and very costly, and I wish it had been done 20 years ago. I wish the system were like it is in British Columbia and Seattle where accessibility was built right in. But you and I both know that the attitudes 20 years ago and more were not the attitudes that we see and support today; therefore we are going to have to pay for our mistakes.

I am in touch with a significant portion of the disabled community, in particular through their Trans-Action committee, through Beryl Potter and persons in our own office who bring forward transportation issues, because the issues are very

vital to them personally and to the office. We want as much movement as possible, but I do not think we are going to see an immediate retrofit of the system. I think you probably already know that, but at the same time I do not see why we cannot start planning for the long term, if I could use that term, while improving door-to-door service and expanding service to the hundreds of communities in the province that provide no service whatsoever.

**1130**

I understand there are only 63 municipalities in the province that provide a service for persons with disabilities, so you can see there are many, many disabled persons in the outlying reaches of the province who have no service whatsoever, and we cannot forget them either.

I do not think you and I have any basic disagreement with what should be done. You are advocating to me and I advocate to the government and that is the way it should work, but I cannot unfairly raise expectations which we may not be able to meet in a time period which we would be comfortable in.

**Ms. Bryden:** I certainly would like the program extended to the whole province. I do not know that the government has faced up to that very much.

**Hon. Mr. Mancini:** I think we are facing up to it. This morning we have talked a great deal about many, many expensive programs. We have talked about extending barrier-free education to the colleges and universities. That does not happen free, if I may use that word. We have talked about an extensive increase in 24-hour-a-day attendant care. We have talked about outreach attendant care. We are talking about transportation at the present time. We know the Social Assistance Review Committee report is lurking in the background, ready to receive government action, and a number of other things.

You mentioned \$1 billion earlier on. Very quickly this morning, I think we have used up a great deal of that \$1 billion if we were to immediately implement all the things we have discussed.

**Ms. Bryden:** I wish I could share your view that the SARC report is about to be implemented.

**Hon. Mr. Mancini:** I did not say it was about to be implemented. All I said was that it is there waiting for a government response, and the response will be announced by the Minister of Community and Social Services (Mr. Sweeney).

I think you know a great deal about economics, Ms. Bryden, and I think you also know a

great deal about costs of programs. If we were to do all of these things tomorrow, I do not think there would be much left of the \$1 billion.

**Ms. Bryden:** Just one final comment on that: The Minister of Community and Social Services has said that the SARC report is a package that cannot be delivered until after the next provincial budget. He is not prepared to pick certain programs out where perhaps people are being badly disadvantaged, such as the homemaker program or the independent living programs. Anyway, I will let somebody else proceed.

**Mr. Chairman:** Mr. Faubert would like to ask a supplementary, I think on the question pertaining to transportation.

**Mr. Faubert:** That is right. There are two things that perhaps the minister would comment on.

**Hon. Mr. Mancini:** Could I ask Mr. Faubert what he did when he was on Scarborough council for accessibility of transportation systems? Could I ask him about that?

**Mr. Faubert:** Quite a bit. Do you want me to list them all? The city hall in Scarborough is one of the most accessible buildings you will find, not only in Metropolitan Toronto but also in Canada, because we were well aware at that time and it was designed for accessibility. We also promoted accessibility of transit, and I was one of the ones who voted constantly in favour of making the light rail transit accessible, much to the chagrin of the Toronto Transit Commission.

Perhaps you would like to comment on what you are doing to make communities across Ontario aware of the need for accessibility of transportation. Second, I would like to hear a comment on the charter challenge to the rights of the disabled to access, including transportation.

**Hon. Mr. Mancini:** Your first question is a very good question. Just this past summer, I had the chance to speak to the Association of Municipalities of Ontario. As I said last week, I am sure it was the very first time they had invited a speaker who was there with a message and not there with a lot of money, and I thought that was a significant shift in interest by AMO.

We were there specifically, not only to talk about the general issues which face people with disabilities, but about the province-wide parking program that we would like to see implemented on a province-wide basis with continuity and with the same fairness all across the province. The municipalities will, I believe, be interested in the interministerial report on transportation for disabled persons. As I said, the report will work



its way through the cabinet committees and through cabinet and then we are going to have a public discussion on it before any final approvals, I am sure, are given.

We intend to fully involve municipalities in this issue. I believe a great deal of the \$50 million that the Minister of Transportation announced last spring—the five-year commitment for \$50 million—was directed to municipalities and to the services that they provide. What was your second question?

1130

**Mr. Faubert:** The Charter challenge.

**Hon. Mr. Mancini:** There are, I believe, six. Let's talk about the Human Rights Code because I think that is more specific to the concerns that you have. I believe there are six cases before the Ontario Human Rights Commission at the present time as a result of the amendments that we passed back on April 18. I am sure that at least two of those are specific to the issue of transportation.

How the commission will deal with those I am not sure. Maybe our transportation report will have an influence on how the commission deals with the issues. We must understand that even if the commission were to make a ruling that demanded accessibility, time and money and a plan would all have to be put together in a package for implementation. As I said earlier, even our own advisory council—I do not think they in any way hold back any of their opinions—has stated in its report, *The Freedom to Move is Life Itself*, that we are talking a minimum of 20 years, possibly more. I agree with the sentiment that is in the committee this morning, that we have to get on with it to the best of our ability.

**Mr. Faubert:** In your experience, are there any specific studies relating to accessibility of transportation, because one of the major problems is not the systems themselves, but it is called out-of-system or exit-system linkages or networks. That is, you can get on a system but you also must be able to link them with accessible transport along the route or where the route ends—such things as parking and its accessibility to the system. Are there any studies that you know of related to this?

**Hon. Mr. Mancini:** Mr. Sauvé tells me that a transportation study done by Hickling Johnston Ltd. refers—I should have remembered that—specifically to the question that you raised, but that report is not in the public domain yet.

**Mr. Faubert:** Perhaps that is one of the things to clarify. It is not the systems themselves. It is the support of that system and all the transit links that become a very costly aspect of the system.

**Hon. Mr. Mancini:** Yes. You raised a very good point. It has been brought to my attention on a number of other occasions. Even if all the subway lines were fully accessible, you would have to be able to get the individual person from his or her home to the system in order to use it. That is where the secondary or parallel system may or may not come in.

I have heard that argument. Usually I hear that argument when I am being told why we cannot have an accessible system. You are using that argument as an adjunct to the accessible system. You are absolutely right. The point raised is a practical one which cannot be overlooked. I think that is one of the reasons it will take a great deal of time before the total system is accessible. We must never forget—and at one time Scarborough was an outlying region—that there are a lot of small and medium-sized communities out there where any service, any opportunity for movement or transportation, any opportunity for the freedom to move would be a tremendous step forward on behalf of people who have disabilities.

**Mr. Faubert:** Perhaps you and I could visit San Francisco and look at its system.

**Hon. Mr. Mancini:** Do you have a budget? Does this committee have a budget, Mr. Chairman?

**Mr. Chairman:** Every committee has a budget.

**Hon. Mr. Mancini:** Maybe Mr. Faubert has a good idea.

**Mr. Chairman:** Before taking another question, Ms. Bryden, as chairman I would like some direction with respect to procedure this morning as to whether or not we continue on into the afternoon. In consultation with Mr. Cureatz, the member of the third party who checked with his House leader, they have no objection to calling the vote this morning, so that we can begin the estimates of the Ministry of the Environment after regular proceedings this afternoon. At this point, before we go any further, I would like to know if you would concur with that kind of arrangement or whether we should proceed on. We have seven hours allocated for these estimates and will be something in the order of an hour short at noon.

**Ms. Bryden:** I am glad you raised the question, because I have just received a note

from Richard Allen, who is the critic in this area. He had intended to arrive by about 11 this morning and I had agreed to make sure that the committee sat and was able to proceed this morning. But he is planning to raise some additional issues this afternoon. Also, Mr. Charlton, who is another member of this committee from our party, was planning to be here this afternoon. I think he may have some questions. So I am afraid I cannot agree to the vote at this time. You would have to meet after routine proceedings and maybe the whole hour will be needed.

**Mr. Chairman:** Thank you very much for that information. As you know, the House is sitting and we could be called to a vote. I propose to adjourn the committee meeting at that time if the bells begin to ring to call us to a vote. We will be resuming the sitting this afternoon after regular proceedings. Would you go ahead or would you like us—

**Ms. Bryden:** Yes, I still have some questions if nobody else has. Minister, I never sit on an estimates committee without asking how we are proceeding with affirmative action and the employment of equal numbers of male and female persons within a ministry. Have you any sort of statistics on that?

**Hon. Mr. Mancini:** You should walk into our office. I think it is a very valid question. Mr. Sauvé, would you please give the breakdown?

**Mr. Sauvé:** I do not have the percentage breakdown, but if you look at our organization chart in the members' handbook—

**Ms. Bryden:** I guess Mr. Allen has that.

**Mr. Sauvé:** You do not have one. I will give you mine. I would say that probably 70 per cent of our staff are women, something like 25 per cent of our staff have disabilities, probably about 15 per cent of our staff are bilingual and probably close to a similar percentage would qualify as what you would call visible minorities, which is another target group the government wishes to move ahead.

1140

**Ms. Bryden:** I see that three out of the four managers on this chart are women.

**Mr. Sauvé:** Yes.

**Ms. Bryden:** That is certainly different from most other ministries. I guess you have no figures on the average wage received by the male and female groups in the ministry.

**Mr. Sauvé:** No. We could provide that, but based on the numbers, I would imagine that the

ratio in terms of salaries between the two must be quite even. We can check that.

**Ms. Bryden:** As you probably know, the crown employee's office used to get out an annual report on the wage rates.

**Mr. Sauvé:** Yes.

**Ms. Bryden:** I think that in the Ontario public service generally, women were still considerably underpaid in ratio to men. It would be refreshing to find a ministry where there was more parity, so I would appreciate it if you could obtain those figures and send them to me at some time.

**Mr. Sauvé:** We could actually probably get that for you this afternoon. We have 47 staff in total, which is not a large staff. We could probably do those calculations over lunchtime.

**Ms. Bryden:** I am not sure I will be here this afternoon. I have other duties, but you can give it to one of our members when they come.

**Mr. Sauvé:** Yes.

**Ms. Bryden:** We are just saying, minister, that you may be among the ministries with a higher percentage of women employees than most other ministries. I hope it is seeking to reach parity at some stage, as well as to reach pay equity, but we will see when we get the figures. I appreciate receiving the job breakdown because it is a new ministry and a lot of us do not know what the setup is and what the different people do.

How many communications officers do you have?

**Hon. Mr. Mancini:** We have the communications manager and—

**Ms. Bryden:** Is it five plus the secretary?

**Mr. Sauvé:** Yes. There is a senior communications officer, Gloria McShane, who is the speechwriter, and the media relations officer, Marthe Peters. There would be an intern officer, Helena Katz, plus the secretarial support, Janice.

**Ms. Bryden:** There is a \$399,000 increase in services. If you have 47 now, how many did you have a year ago? I presume that growth of staff would account for that \$399,000 increase.

**Mr. Sauvé:** In terms of staff or person-years, we have 5.5 person-years more in these estimates than we had in the previous estimates.

**Ms. Bryden:** Does the \$399,000 not seem like quite a lot for an increase?

**Mr. Sauvé:** The \$399,000 would not relate totally to staff; it would relate to research, primarily.

**Ms. Bryden:** Is that outside, contracted staff?



**Mr. Sauvé:** Yes.

**Ms. Bryden:** "Services" is not really written down there.

**Mr. Sauvé:** Yes, it is for purchase of services from the outside.

**Ms. Bryden:** I am looking at the analysis of vote 1202.

**Hon. Mr. Mancini:** Which one are you on again?

**Ms. Bryden:** It says \$399,000 increase in services in this year over last year's estimates. I am just trying to find out where the main increase is.

**Hon. Mr. Mancini:** Do you have the attachments to that where it says "Services" and it breaks it all down?

**Mr. Sauvé:** It says "Salary" and "Benefits."

**Hon. Mr. Mancini:** There is \$120,000 for a phase II, part of a research study to address housing.

**Ms. Bryden:** Yes, I have that.

**Hon. Mr. Mancini:** It breaks each portion of it down. Does that satisfactorily meet your question?

**Ms. Bryden:** Who is doing this research study on the housing needs of disabled persons? Is that one consulting firm?

**Hon. Mr. Mancini:** Ms. Alldrick, would you like to come and talk about the research program? Bev Alldrick is our manager of policy and research services and those various activities come under her area of responsibility.

**Mr. Chairman:** Could I interject for a moment, please. For the record, could we have the person who approached the table introduce herself.

**Ms. Alldrick:** My name is Bev Alldrick and I am manager of policy and research services.

**Mr. Chairman:** Thank you very much.

**Ms. Alldrick:** Phase II of the housing research study is just being tendered and we have about seven firms that have been invited to bid on that project. We have not yet made a determination. The bidding process includes a request for proposal that is sent out to all the firms and a bidders' meeting in which we give them additional details of the project, so that they are as fully briefed as possible in order to submit a bid.

Then there will be an interview between each individual bidder and a steering committee with representatives from the Ministry of Housing and ourselves. As a result of those interviews and analysis of their submission, there will then be a

decision made on the firm that will be hired. We are still a couple of weeks away from that decision.

**Ms. Bryden:** What is the total value of the tender? Is it the entire amount, the \$120,000, or have you put a price limit on the bid?

**Ms. Alldrick:** That is the maximum the project could come in at. Certainly, we are hoping that the lowest bid submitted might be somewhat less than that, but that is our maximum.

**Ms. Bryden:** Can you tell me in general what kind of study you are going to do on the housing needs of disabled persons. Are you going to do surveys in different communities or are you going to send out questionnaires to whatever list of disabled people you have? What are you planning to do under this study?

**Ms. Alldrick:** We have another survey under way, the consumer survey, that is interviewing consumers individually. In this project, what we want to do is focus on housing design. We want to go worldwide on this. We do not want to look just inside Canada at existing projects that are up and running, we want to look at ways of taking existing housing and making it what I call ergonomically accessible, not just grab rails and the more basic and bleaker kinds of design. We want to see some creativity.

We are looking at other kinds of shelter. For instance, to take an existing apartment block and try to widen doorways and put in a wheel-in shower, you are dealing with existing structures and support walls. But if you were to take another building—think of the loft districts you get in some cities where they take abandoned warehouses and do some really creative things—you would have much more flexibility in your space allocation so that whether you are talking about a couple, both of whom happen to be in chairs, or whether you need one bedroom for an attendant plus one bedroom for a disabled person, you have a lot more opportunity to be creative in your design elements to build in some high-tech options.

We are asking the consultants to do the research that will pull together design options in a very practical way. We want them to factor in any issues that might be affected by municipalities or building codes that would impact on these design considerations. We want what I call an inventory of the most successful ideas that have been tested in other parts of the world, ideas that could be used by families with a disabled individual, by design professionals, by the

construction industry. That is the kind of focus of this particular project.

**Ms. Bryden:** What is the time frame for all these important questions?

**Ms. Alldrick:** The research project has to be completed by March 1989. You may have seen a Canada Mortgage and Housing Corp. report that was done on innovative design for seniors. It is what I call a layman's guide or a consumer level guide. We would hope that in 1989-90 we could then move to that kind of document to make this information really accessible to people, to make it very practical, very straightforward.

**Ms. Bryden:** Are you aware that in the city of Toronto some of the zoning bylaws do not permit lofts and so on being used for both commercial purposes and for housing purposes?

**Ms. Alldrick:** Yes.

**Ms. Bryden:** That would require some action at the city hall level.

1150

**Ms. Alldrick:** Part of the request for proposal when we met with the suppliers was to say that they have to flag any of the issues related to their ideas. They cannot just present a great idea in the abstract. If there are special considerations or tradeoffs—let's say they come up with a design where part of the components are only available from one source in West Germany—we need to know that kind of thing. Your point is equally valid. Let's not just put ideas on the table that could constrain us when we actually go to discuss implementation. We want that information out now so we can factor that in.

**Ms. Bryden:** There is a group in Toronto called Women Plan Toronto, which is a group of women interested in changing housing design so that it considers the needs of women more than others, since they are often the ones in the home for the most time or raising children. I think it would be worth while for your group, whichever gets the contract, to get in touch with them because they have done a lot of research on what the housing needs are that should be changed. They are not necessarily oriented entirely towards women, but at least women are considered. Generally, the planning has been that you need so many square feet of living space and so many bedrooms and so on, but you need to design what also fits women's needs.

I am glad to hear the study is under way, minister. I hope the deadlines will not be too far along because people want this kind of information. You will be having us ask in the House,

"When is the study coming out?" if the deadlines get too long.

**Hon. Mr. Mancini:** I agree with you. When we make these contractual arrangements, it might be possible to hold the persons who won the contract to the date and to the deadline. I agree with you. We should get things done on time.

**Ms. Bryden:** About this awareness project that you are giving a transfer payment to, the Ontario Action Awareness Association.

**Hon. Mr. Mancini:** Yes.

**Ms. Bryden:** What is that association made up of? What groups are in it?

**Hon. Mr. Mancini:** That is basically Beryl Potter's organization. What we wanted to do was to have an individual, like Beryl Potter if it was possible, who had been involved in disability issues for a great number of years and was well respected by consumers' groups, media and government officials, and with the right personality—if I can say that—to be able to meet the public on a regular basis in their own communities to talk about disabilities. I guess one of the main areas is transportation, to talk about these things and to be able to have a support staff to support the initiatives that had to be undertaken.

That is basically what is going on now. Beryl has visited countless schools, has attended countless meetings and I think has been a significant asset.

**Ms. Bryden:** I certainly think awareness education is very important and I hope we will get regular reports on any feedback, any problems that are showing up—

**Hon. Mr. Mancini:** Usually what Beryl does is to come back with a binder after a period of time. It will just be full of newspaper clippings, letters and cards she may have received from any number of people. They could be municipal officials, schoolteachers or children, thanking her for her visit to the community and for what she has done to raise awareness.

Also, if I am not mistaken, a small portion of Beryl's budget is going to be used now to hire a co-ordinator for Ontario's Access Awareness Week in conjunction with the government of Canada's declaration of that week for the whole country. I do not know what the amount of money is, say \$10,000, but last year we did not have a co-ordinator per se. It was the first year we have been involved in an access week.

Steve Little, the manager of the community initiatives branch, is here, Do you want to come



forward and describe what we are doing in that area? I think it would be helpful for the committee.

**Mr. Chairman:** For the record, would you please introduce yourself and title one more time so we get it straight, please.

**Mr. Little:** My name is Stephen Little. I am the manager of community initiatives within the Office for Disabled Persons. As the minister mentioned, last year there was an initiative that was nationwide called the National Access Awareness Week. Ontario participated in that. Indeed, Beryl Potter was a co-chairperson of the working committee in Ontario.

I was involved at the national level. This year, I am involving myself at the provincial level, along with a group of consumers who are forming part of the steering committee. Beryl again is involved and we are setting plans for Access Awareness Week, which will take place in early June 1989.

**Ms. Bryden:** I am glad the province is taking part in it. We now have columns in the newspapers on it, too, but it is very much an area on which more light needs to be shed.

**Hon. Mr. Mancini:** This person we are seeking, what is that person going to do, Steve? Can you tell the committee that.

**Mr. Little:** With the funds we are seeking, we propose to hire a full-time co-ordinator for the six months leading into Access Awareness Week. This person will have the responsibility of ensuring good communication, not only among the provincial-level steering committee but also making sure that the various communities throughout Ontario are aware of the initiative and are given the encouragement and support they need in order to organize events and provide awareness at the community level.

The whole purpose of Access Awareness Week is to make the issues at the community level known to that community, and hopefully to make some change come about at the community level that has been facilitated by one community

knowing what another community has done when faced with possibly a similar situation, recognizing that some issues in some communities may be completely different from what the issues are in other communities—for instance, large ones versus small ones, northern versus southern, rural versus urban.

The idea is to facilitate community-level action that responds to the needs and issues that have been identified by people working in the particular community. The co-ordinator will try to be the solid link through all this.

**Ms. Bryden:** Communities will be looking for money to come with the project to help them to provide those facilities.

**Mr. Little:** Indeed. Although last year we did try to get some money, we were unfortunately unsuccessful. However, the events were still organized at the community level, utilizing a good network of very able and capable volunteers who are dedicated towards bringing forth the issues that are percolating in the various communities. I believe we are going to try to get more resources available to the communities, but in any event I would expect that this coming year we could at least replicate what happened last year.

**Mr. Owen:** Is the date for 1989 the first week of June?

**Mr. Little:** Indeed.

**Mr. Owen:** So it starts June 4.

**Mr. Little:** Yes; June 4 to 10, Sunday to Saturday.

**Mr. Chairman:** Thank you very much, Mr. Little. It is now 12 o'clock, committee. I propose to adjourn until after regular proceedings in the House this afternoon. We have 50 minutes remaining on this batch of estimates, Ms. Bryden, in case you want to communicate that to your colleagues.

The committee recessed at 12 p.m.

## AFTERNOON SITTING

The committee resumed at 3:34 p.m. in room 228.

ESTIMATES, OFFICE FOR  
DISABLED PERSONS  
(continued)

**Mr. Chairman:** I see a quorum. I will ask Mr. Allen to begin the questioning.

**Mr. Allen:** My apologies to the minister and his staff and other members of the committee for my absence this morning due to a long-standing engagement in Hamilton that I simply could not be away from. It became a little more attractive than I had initially intended.

As I indicated in my opening remarks, I want to come back to the question of transportation with the minister and to focus my remarks and my questions around the Task Force on Features to Improve Accessibility of Conventional Transit for frail and ambulatory disabled persons.

I have a number of questions that deal with aspects of that report. I do not want to list the questions sort of in series and have the minister respond to them one by one. I would rather put them to him generally so that he sees the overall aspect of my particular comments and feelings about the task force and its proposals. Then I hope he would find some way to get back to me and to the committee with a response later on, perhaps in some written form, for our benefit.

I approach the task force from the point of view of two previous documents. One is the study that was done by the Ontario Advisory Council on the Physically Handicapped and the Ontario Advisory Council on Senior Citizens entitled *The Freedom to Move is Life Itself*.

In that document, while there were a lot of proposals regarding improved access in various respects to conventional and special transit for the disabled, none the less the central proposition of that report was that nothing should be done by the ministry, by the government, from this time forward that was not predicated on the notion that the government and the transit systems around the province would be moving towards fully accessible transit for the disabled, that this should be the condition of everything else and that everything else should be tied into it.

Second, the organization known as PUSH, Persons United for Self-Help in Ontario, drew up a memorandum of agreement between itself gathered together as a large body that called itself Trans-Action—the full explication of that was

“Ontario citizens seeking enhanced accessibility to urban and regional public transportation”—and the Minister of Transportation (Mr. Fulton) which they prepared the same year, 1987, in which they laid out, step by step, a series of proposals on which they hoped the minister would agree to move in one-year, two-year, three-year, four-year steps, etc., so that by the end of 15 years, we would have reached a fully accessible transportation system for the disabled across the province.

This task force report has been tabled with the Ministry of Transportation and the minister immediately committed himself to implement it, although it seems in the full light of day that the commitment is not quite as grand as the first press release following the tabling of the receipt of the task force. That task force, which was struck in May 1987 and released its report in 1988, in fact produced a document that records the scandalous disregard or ignorance of the needs of over 600,000 disabled persons, in the estimate of the report, in areas presently served by municipal transit systems—ignorance, in other words, by people who should long since have known fully what their obligations were to the disabled.

This document lists features for short-term implementation, long-term implementation, all retrofitting, for example, further studies which apparently for some odd reason includes elevators, although why elevators at transfer points in stations should need further study is a mystery to me, and other features that they would not recommend in terms of improving accessibility.

It is very clear throughout this document, unfortunately, that fully accessible transit services really were not, in themselves, considered as an option. That was put off to one side and never did become part of the task force's report. It appears to be sort of implied in the title and it has been mentioned during meetings with consumer groups, but for some reason that issue, despite *The Freedom to Move is Life Itself* document, Trans-Action's memorandum of agreement, the clear interests of the disabled community and then two councils that advise the ministry, for some reason, that has been left very much to one side.

I wonder if the minister perhaps could inquire for us of that ministry and give us some response, because that minister has not, why that was the case.



## 1540

The program to improve accessibility was developed originally by the ministry in 1979. That is about a decade ago. It is amazing, really, how little has been accomplished. Obviously, this has not been a priority and it would appear that the Ministry of Transportation has not used its leverage to secure concessions for accessibility by municipal transit systems. In fact, in some places we are still fighting the battle to get decals for priority seating for the disabled. If that is the state of play in some municipal transit systems, that is really a disgraceful situation.

The 1981 program the ministry set up proposed to pay for 75 per cent of the cost of special features, not to include lifts or driver training, for example, which is a frequent complaint. Notices include public awareness programs that should be covered in some fashion.

When the minister announced that he would begin paying 90 per cent of the cost of improvements, why has this never gone to cabinet and is still not in force? Now we will soon be into our second year since that announcement was made. Why has that not happened? The municipalities certainly have made clear the difficulty they have in finding the moneys for the additional costs. Your government has proposed a 90 per cent level of transfer payments rather than 75 per cent, so why are we not getting any action?

There are over 100 features that are assessed by the task force and it is startling to see how few of these are actually used by local transit authorities. Fewer than half of the authorities in the report, apparently, have priority seating for the disabled. Even fewer have signage indicating priority seating. Only 13 per cent have accessible assistance alarms and 77 per cent have no sensitivity training for drivers.

How would the minister propose that the government make it very difficult for transit systems to deny these things to the disabled?

Surely we have to begin to toughen up on municipal transit systems. When they secure their transfer payments each year, they should have to give the Ministry of Transportation a list of the improvements they have made in terms of accessibility, at the very least in the past year, and there should be some measure by which that is deemed to be acceptable or not.

The task force found, not surprisingly, that more information was needed for transit authorities as well as for transit users, and that a significant number of features of accessibility were not being purchased. One of the few transit

systems, apparently, that does have an active program in this regard is in Ottawa—Transpo, as they call it. It is the only municipality to have a bylaw to enforce priority seating for the disabled. They began some other innovations like identity cards for priority seating, bus route flash cards for blind people and people of low vision, and so on.

It may not be any accident that the city of Ottawa is the only transit system that has a committee of disabled consumers actively advising the transit system on what it should be doing for accessibility. Surely it would be easy for this ministry, or for the government, to require that all municipal transit systems in receipt of provincial funds have such a committee.

Will the minister recommend that to the Minister of Transportation and to cabinet and use all of his energy to see that happens? That seems, at least in the one instance, to have been the mechanism that has brought about significant improvements in disability access to a municipal transit system.

The report, unfortunately, although it has recommendations, never suggests any deadlines or specific goals with respect, for example, to sensitivity training. When should all systems have sensitivity training in place? Nobody recommends any timetable. It does not recommend, ever, that no new transit systems or major capital expenditures or renovations be funded by government unless accessibility features are built in. None of that toughness is in this report. Why not? It does not recommend that all transit services have an advisory committee, as I just suggested. Why not? And so on.

One has to conclude, I think, with Beryl Potter and Action Awareness when she says with regard to this report, and I am quoting, "One really cannot honestly support this program unless the eventual implementation of total accessibility for all persons of Ontario is kept in mind at all times when necessary reconstructions, etc., take place." Unless that is in mind, very few of the subsidiary and intervening steps currently will have the pressure on them to make them happen all the way across the system.

Just to refer to a couple of items that are outside the report, because they relate to the scale of accessibility that the report apparently does not entirely contemplate, we have seen within the last year that the Toronto Transit Commission, in spite of its many reports that have all recommended against total accessibility, did at least say that it was ready to put elevators in the Bloor-Yonge subway station and to make the

light rail transit system at Harbourfront fully accessible.

Yet the government put them on hold in that matter until the task force reported. That was a rather strange thing to ask them to do, since apparently the task force itself was never really considering full accessibility in the first place. It looks to me as though the request that the TTC not take such steps was made more as an excuse for further delay and inaction than as a genuine reason. This report might have proposed some steps that related to full accessibility, when in fact it was not going to do anything of the kind.

Metro council has voted in favour of full accessibility for the Sheppard-Spadina line and that was put on hold a few months ago. But again, a week ago Wednesday, I guess it was, there was a news report indicating that the Sheppard was to go on the active list. The minister announced that.

Are we or are we not going to get from the government the funding that will make possible full accessibility of the Sheppard-Spadina line as that is built? That comes back again to one of Beryl Potter's comments, in which she is absolutely right, that unless one builds these features in at the beginning, one is looking at monumental costs for capital renovations later on.

Minister, I have a series of questions for you there that generally relate to the overall question of accessibility of the municipal transit systems and conventional transit across the province. I hope you will find an opportunity to respond to them, because I think they are fundamental, and I think the disabled community is looking for answers to them. They will certainly appreciate your once more undertaking your role as their advocate in government to try to press that agenda forward.

I thank you personally for anything you can do in that regard.

**Hon. Mr. Mancini:** We will take all your questions as notice and will prepare a detailed response in writing for you. I will try, if it is possible, to answer each and every question, and if not, try to indicate when I can.

**Mrs. Marland:** I realize we are down to the very last few minutes of the amount of time available to us to deal with the estimates of the Office for Disabled Persons, so rather than repeat some of the questions I brought up in my opening remarks, if you would have your staff review my opening statement and answer the questions that are in it, I will not repeat them at this point.

1550

Briefly, there are two other areas that I wanted to add to. First, I hope that you will assure the disabled community of Ontario that the \$15-million access fund that was announced to be \$15 million for three years will, in fact, remain \$15 million for three years.

I heard your answers about what happened in the first year. I asked if we could have that money carried forward into the next year so that the promise that was made is met. I would plead with you that those funds that have already been assigned and agreed to by the Treasurer (Mr. R. F. Nixon) be a very real commitment, rather than extending \$15 million over four years by adding an extra year at the end, which I recognize is another alternative.

I would like to just read, rather than take time to précis and put into my own words, some material here which deals with initiatives for disabled persons. When I have read it and it is in the record, then I would look forward to a response from you on every item. It is simply one page, so it will not take me very long.

Initiatives for disabled persons, benefit increases: I would say that at the outset that I support all these initiatives. I feel that we would really be moving into the 20th century—let alone the fact that we are almost into the 21st century—if we did these initiatives. We would at least have moved into the 20th century.

One is an immediate increase of 10.1 per cent to family benefits allowances from \$693 to \$762.87 per month for a single disabled person. Another is increases by the end of the four stages of reform of 10.5 per cent over stage 1 from \$762.87 to \$843 per month for a single disabled person. It is really pretty horrific when you even look at those figures and realize that people with disabilities have to survive on those kinds of minimal incomes. I know you will agree.

On the subject of the disability income program, I would like to support the removal of all disabled recipients from the social assistance system by creating a two-part income support program for people with disabilities.

Part 1 would be a comprehensive disability insurance program financed by premiums for employees and employers. The level of benefits would be based on a proportion of an individual's earnings prior to becoming disabled. Part 2 would be a disability benefit to ensure a basic level of income to all people with disabilities who have little or no income. This benefit would equal that provided to the elderly through the old



age security and guaranteed income supplement programs.

The two parts should share a definition of disability and both should also provide an extensive system of services and supports for people with disabilities to enable them to be self-reliant and to participate fully in community life.

I think one of the worst things about the present system, and this applies to people with disabilities and to people without disabilities, is that when they are on some form of pension today and they do anything to improve their lot in life, they are immediately penalized.

I can think particularly of an example of a gentleman in my riding whom I know very well, who has lost both his legs. He likes to tinker around with small motors and engines and things and found that he can do it very efficiently. He began a small business repairing lawn mowers and small engines. Then he found that because he had that income that he had his disability pension reduced. I think that anybody, but disabled people particularly, should be able to do something like that which gives them a meaning to life and a motivation and psychological stimulation. I think it is terribly important, and I certainly would appreciate your looking at that.

A new definition of disability should be developed. It should be modelled on the World Health Organization's definition of a handicapped person. The definition should encompass the definition of eligibility in terms of losses or abnormalities—impairments; inability to perform activities—disabilities, and inability to perform roles—handicaps. The definition should also eliminate the category of "temporary unemployment."

The vocational rehabilitation services and social assistance programs should use the same definition of disability.

Under transition to self-reliance, skilled staff and recipients of social assistance of any form should develop a plan that identifies strategies to enable the recipient to leave social service assistance and to live more independently in the community. This service should be offered to disabled persons through the VRS program.

There should be more integration of different ministry programs for the disabled which would enable them to be more self-reliant.

The province should seek new cost-sharing arrangements that more fully support the integration of persons with disabilities into the social and economic life of the community.

The 25 per cent required contribution to the Ministry of Health assistive devices program should be income tested. The ADP should be expanded to cover the costs of repairs of equipment, captioning devices for the deaf, and devices required in the workplace.

Minister, I know you personally are supportive of these directions on behalf of the disabled community. They are more than just words; in fact, in 1988, they are common sense. I concede that they are far overdue. When you go after this funding at the cabinet table and you are sitting there with 29 other cabinet ministers who also want funding for their own ministries, if there is anything that I can do to add weight to your own personal lobby for funds for programs that you well know are needed for the disabled community to live equally and happily with the same opportunities as everyone else in this province, I would be more than happy to assist in whatever way I can.

**Hon. Mr. Mancini:** Thank you, Mrs. Marland. I will give you the same commitment that I gave to Mr. Allen. I will request that we have a detailed letter prepared for you. We will also undertake to review your opening statement, as you asked, and respond to questions that may not have been answered during my reply to you.

I want to thank both of you for your contribution to the estimates and thank you again for your assistance in choosing the community action award winners. I will be asking both of you to make a small contribution to the program during the luncheon. Since it was a joint effort, I thought it might be a good idea if all three of us had a short statement to make while we were there. We will try to get back to you as soon as possible with the answers, hopefully, that will satisfy most of your concerns.

**Mr. Chairman:** Thank you very much, Minister. I think you have been frank and factual in your responses to all of the questions that have been put over the last couple of days. For the benefit of the committee and to put it on the record by consensus agreement, it was decided, with the official opposition and the third party, that we would have a vote at four o'clock and this would end the estimates period for this particular ministry, the Office for Disabled Persons.

**Mrs. Marland:** Which proves how co-operative we are.

**Mr. Chairman:** Exactly. I would like to thank the critics of the two opposition parties for their co-operation in this regard, because we would like to begin the next set of estimates this afternoon.

At this time, I propose to call a vote on vote 1201 and, with the concurrence of the committee, include in it all parts or items of it.

Vote 1201 agreed to.

**Mr. Chairman:** Should the estimates be reported to the Legislature?

Agreed to.

**Mr. Chairman:** I think that at this point in time, to allow this ministry to clear out and the Ministry of the Environment to take over, we will declare a brief recess and reconvene in a few minutes.

The committee recessed at 4:01 p.m.

1609

#### ESTIMATES, MINISTRY OF THE ENVIRONMENT

**Mr. Chairman:** The committee will now proceed to review the estimates of the Ministry of the Environment. There are eight hours allocated to these estimates. I shall call upon the minister, the Honourable James Bradley, to make an opening statement.

I would like to add a few comments with respect to procedure from that point on, so that we are all clear on how I hope to proceed. I would appreciate it if everyone would consider these proposals for next day. If there are any changes, we could talk about them in the interim.

According to the standing orders, what we should be doing is listening to the presentation by the minister. Then the critic for the official opposition usually has a rebuttal time. The minister has decided that instead of commenting on that rebuttal, he will wait until the member of the third party has given his rebuttal as well.

After the minister has responded to these two presentations, the committee really should decide on the time allocation for the votes for the remaining time that we have in the eight hours. There are four votes this time.

We can proceed in two ways. If we discuss everything under vote 1501, that is any of the items can be discussed in the questioning. If we decide to break it up into four votes, we should allocate a time to each of the four votes and govern ourselves accordingly. The only vote under which we can talk about anything in the estimates is vote 1501. If we go to vote 1502 or beyond, we must reserve our comments to that particular vote. That is the way I hope to proceed.

At this time, I call on Mr. Bradley to begin.

**Hon. Mr. Bradley:** I am very pleased to have the opportunity to participate once again in the estimates procedures of the Legislative Assem-

bly of Ontario. I look forward with anticipation to the comments that will be forthcoming from members of the committee, in particular the critics for the two opposition parties who have a special interest and special responsibilities in the field of the environment.

Those of us who are sitting here as members will have available with us members of the staff of the Ministry of the Environment. We do not intend to fill the chairs back there with a number of people, unnecessarily keeping them here away from other duties and responsibilities, but of course the senior people will be here to answer any specific questions you might have.

I have always looked upon this procedure as an opportunity for members of the committee, individual members of the Legislature, to ask questions of staff whom I have an opportunity to ask questions of on an ongoing basis. I know they are always happy to answer your inquiries between the estimates procedures, but this is an opportunity on a direct basis to exchange views with them and to have a good dialogue with them.

I will have here on an ongoing basis the deputy minister, Gary Posen, who has been with the Ministry of the Environment since, I guess, September 1987. Gary will lead the ministry team in terms of providing responses you might have and will direct others in terms of ministry staff to provide answers to you.

In addition to that, we will have Walter Giles, the associate deputy minister in charge of intergovernmental relations and strategic projects, and Julian Reid, who is the assistant deputy minister in charge of operations, new to the ministry, as you know, since the last set of estimates. Although you would be familiar with Walter, Julian has joined the ministry this year.

The assistant deputy minister in charge of environmental services, David Balsillie, will be here on an ongoing basis as well. Dr. Balsillie will have the opportunity to answer questions in his specific areas of jurisdiction.

The executive director of approvals and engineering, Ervan McIntyre, will also be here. Erv is in the gallery over to my right, behind Walter Giles, and will be happy to answer questions. André Castel, the executive director of corporate resources, is to my left. The director of policy and planning branch, Jim Merritt, is on the far side over there. Bonnie Wein, who is the director of legal services—again, new to that position—will be happy to answer questions in that direction.



The other people you see around are George Arras, who is the executive assistant to the deputy minister; and from my own staff I have Mark Rudolph, my executive assistant; Gary Gallon, special policy adviser; David Oved, communications special assistant.

My own staff will not be answering the questions, but of course, ministry staff will.

I know you wanted to be acquainted with these individuals before we start out. If you have subsequent questions to direct to them after the estimates are finished, perhaps on something that arose out of estimates and that might require a written answer or some further dialogue, I know they would be happy to provide that.

It is a pleasure to join this committee in reviewing the Ministry of the Environment estimates and to discuss this government's efforts and proposals for environmental reform.

Since 1985, we have increased the ministry's financial resources substantially, introduced legislative and regulatory reforms and launched significant programs to protect the people of Ontario and their environment.

From the outset, the restoration and protection of our environment has been my chosen task, and I have enjoyed the support of Premier David Peterson and cabinet in reviving staff confidence and enthusiasm, reinstating adequate financial resources and restoring the basis of public confidence in the work of the ministry.

Last year, the ministry's approved estimates were increased to \$412 million, a two-year total increase of \$67.8 million since 1985-86. This fiscal year, our estimates have increased a further 7.4 per cent to \$442.5 million. Staffing for environmental programs remains a major priority. In 1987-88, 130 new staff were obtained for the ministry and in 1988-89, a further 163 staff have been added. These increases in resources reflect the aggressive program of environmental protection we have set for this ministry.

Over the same period of time, I have been plugging loopholes, strengthening our mandate and laying a foundation for the environmental program now before us. On this foundation, we are building a fundamental reform of environmental protection in Ontario.

At the heart of this reform is a basic change in attitude on the part of the government. The Premier (Mr. Peterson) has summed this up on a number of occasions: "A healthy economy and a healthy environment are not contradictory—they're complementary. There is no question that when it comes to ensuring a healthy environment, we still have much to do."

This philosophy is echoed on a national scale in these words by the National Task Force on Environment and Economy in its report to the Canadian Council of Resource and Environment Ministers. I quote from the report: "We find hope in the prospect of a new era of environmentally sound economic growth for Canada and the world. We recognize an obligation to prevent the waste and destruction of resources we hold in trust for future generations."

Acting in this spirit, we have set up a Round Table on Environment and Economy, which includes leading figures from our society, to advise the government on both the specific proposals and appropriate approaches to sustainable development. We are now building legislation, administration, policies and programs that will serve and protect this province's environment and its people into the next century. We do this in full confidence that a healthy environment is essential to the long-term health and security of our economy and our citizens.

A substantial sector of public opinion shares this belief. The challenge is to convince, not by words but by action.

The spills bill—sound legislation—was stalled for years by what I would refer to as a lack of political will. We put it into effect, along with the staff and the structure necessary to make it work, while industry lobbyists and their political allies predicted dire consequences to our economy. It is now three years later. The prophets of doom are silent and the results of the legislation are what the people of Ontario expected them to be.

The Spills Action Centre is the 24-hour, seven-day-a-week nerve centre for response to spills or any other environmental emergency. The number of spills reported has increased fivefold since the centre opened. Industry has realized that reporting and cleaning up these incidents are important. They have also received a clear message that an unreported spill is very likely to lead to prosecution.

With the Spills Action Centre available at a central, toll-free number, more citizens across Ontario are taking the initiative and reporting spills and other environmental emergencies. In each region, the ministry now has trained and specially equipped staff available 24 hours a day to respond to these emergencies quickly and effectively.

Toxic blobs in the St. Clair and Rideau rivers and Chippawa Creek, the acid gas cloud that swept over a camp of Girl Scouts near Sudbury, and the thousands of litres of heavy fuel oil spilled into Lake Erie at Nanticoke have all

served to raise public awareness of spills and their hazards. The people who handle these materials are showing new awareness of their responsibilities, to the point where gasoline leaking from the fuel tank of an overturned transport is routinely reported, contained and cleaned up.

The legislation now leaves no room for argument as to who is responsible for containing a spill and minimizing damages. With this clear direction, industry is learning to clean up after itself promptly.

In spite of the high-priced and nearly hysterical scare campaign conducted by the big polluters and their political representatives when the legislation went into effect, spill claims and liability have not been a problem. The Environmental Compensation Corp. has been contacted by 426 people claiming spills damage. While it has provided compensation of more than \$17,000 in six cases, most claims are settled directly. The mere existence of this court of last resort has encouraged claims settlement through the normal compensation mechanisms.

#### 1620

The \$10 million funding level in this year's budget for the environmental security account was doubled in midyear to \$20 million. The account provides for immediate restorative action to address localized contamination caused by waste sites, unauthorized discharges, waste disposal practices and environmental emergencies, when those responsible cannot or will not act in the public's interest.

The account has been, and will continue to be, a secure base for quick and decisive action on, for example, the cleanup of polychlorinated biphenyls at the former chemical waste management facility in Smithville and the provision of potable water to home owners adjacent to the the Bracebridge landfill.

We are replacing soil on hundreds of Toronto residential properties polluted by decades of lead emissions from the Canada Metal Company Ltd. and Toronto Refiners and Smelters Ltd. plants.

Since the early summer of 1986, when deposits of coal tar were detected in the Rideau River in Ottawa, and in Waterloo, we have conducted a thorough study that identified 41 sites in 36 municipalities where municipal coal gasification plants once operated and where there was a risk of buried coal tar containing carcinogens such as polycyclic aromatic hydrocarbons. A further inventory of industrial-based coal tar sites in the province identified 44 sites located in 25 municipalities.

Some of these sites are already being cleaned up with hazardous material being taken to approved hazardous waste management facilities. Others are under investigation to determine the nature and scope of actions required to clean them up.

This environmental security account, coupled with the requirements of our spills legislation, strengthens our ability to cope with major emergencies. The security account is not intended to clean up a polluter's mess at the taxpayer's expense. In all of these projects, we are making every effort to recover costs from parties responsible for the contamination.

The funding of citizens' groups that wish to state their case in environmental hearings is another area in which we have made substantial progress. We have made sure that a mechanism is in place to provide money to groups that wish to intervene in the environmental assessment hearings on the Ontario Waste Management Corp. proposals for waste treatment and on the Ministry of Natural Resources Class Environmental Assessment for Forest Management on Crown Lands in Ontario. All applications for funding are considered on their merits.

The need for this sort of assistance transcends environmental issues and provincial legislation has been introduced in cabinet, which has approved the Intervenor Funding Project Act, which I hope will be supported by all members.

This, of course, is not the only way we try to involve the public in our work. Public consultation and participation in ministry activities and decision-making remain important to this government and certainly to me personally.

The importance placed by the government on public involvement in decision-making is reflected in our commitment to environmental assessment. Our government's decision to designate the Ontario Waste Management Corp.'s activities under the Environmental Assessment Act served notice that environmental assessment is a planning mechanism that is to be taken seriously.

We are following through with legislation, regulatory policies and administrative improvements that both strengthen and streamline environmental assessment. We are assisting both proponents and potential opponents so everyone can be fully aware of their rights and obligations under the act.

We have produced straightforward brochures that guide both proponents and the public through the EA process and show how it works for them. We passed a milestone in April of last year with the completion of the municipal class



environmental assessments for water and sewer services and for roads. Ministry environmental assessment staff have completed 29 presentations to municipal staff and the public on how these class EAs should be implemented for routine municipal projects.

There are 243 environmental assessments and EA activities now under way and my ministry's activity in this area has increased by at least 50 per cent in the past three years. I have designated an entire range of private sector activity for environmental assessment. Every major proposed energy-from-waste plant must be scrutinized under this demanding process.

Finally, the review of environmental assessment we plan to complete this year will mean changes in legislation and new regulations, guidelines and policies for better planning and prevention of environmental damage.

The public strongly supports our efforts to enhance waste management programs. It is up to us and the municipalities of this province to supply adequate resources, determination and imagination to reward that public support with efficient, environmentally sound solutions to waste problems.

We must face up to the reality that waste has an increasing impact on our environment and an increasing significance in our public agenda. The responsibility for waste management touches everyone, whether it be at the provincial or municipal level.

We must adopt a new vision and define alternatives to our throw-away society. I am talking of waste reduction, reuse, recycling and recovery—as we call them, the four Rs. A waste management approach based on the four Rs allows us to save valuable resources and energy, use our existing disposal sites longer and conserve land resources.

Our government is deeply committed to recycling. We have given tangible proof of our commitment over the past two years. Curbside recycling programs once received little attention from the province. Before our government took office, only \$750,000 was allocated annually. An early effort to establish blue box programs had distributed 40,000 boxes in three municipalities, but then had stalled, with no new programs established or boxes distributed during the entire year of 1984.

Our government increased that funding level 10-fold to \$7.7 million to meet the demand for municipal recycling projects. We have shown that our government is ready to provide the necessary funds so that municipalities can

implement such programs and our citizens can act in a meaningful way to help protect the environment.

We have now launched curbside recycling programs in 94 communities across the province and that number will top 100 in the next week or so. As you know, the Premier and I presented the one millionth blue box just a week ago.

With us, I must say, were the two critics from the opposition parties who were kind enough to participate in that, and one who was kind enough to be my manager during the little contest as on who could recycle the fastest. The Minister of the Environment finished dead last, but it was not due to the advice given by the member for Mississauga South (Mrs. Marland), who did everything she could to help me win.

This program will continue to gain more importance as new programs and markets open up. I expect this year to see more than 1.25 million households using the increasingly familiar blue recycling boxes. Objective observers say Ontario is the leading recycling jurisdiction in North America today.

I am also pleased that the private sector has committed \$20 million over four years through Ontario Multi-Material Recycling Inc. to help municipalities establish recycling projects. This was prompted by the soft drink container regulation we passed within a few months of taking office, ending years of dithering on this matter.

To complement these recycling efforts, we established the municipal material recovery program in 1987-88 as part of our comprehensive funding program in support of the four Rs. This program provides capital grants for municipalities to recover paper, plastic, aluminum, steel, glass or other materials from mixed solid waste. Processes such as composting are also covered. A budget of \$1.2 million has been provided for this year.

But I believe we need more involvement from industry sources beyond the soft drink industry, which is now involved. What we need is net materials accountability. Packagers and producers will have a role to ensure that their product materials are recovered after use.

Producers of small batteries, for example, should help finance and establish battery collection and handling facilities. Food distributors and retailers should participate in organic composting operations across this province. Newspaper companies should participate in collecting and recycling old newspapers.

## 1630

Producers and retailers must take responsibility for the environmental fate of the products they market. Companies can no longer debit our living environment with the cost of letting their product become waste. They must internalize this cost, getting it off Mother Nature's balance sheet and on their own books, where it belongs. My ministry is prepared to work with these companies to turn a wasteful situation around.

The demand for such programs proves without a doubt that outlets exist in our society for recycled products. The evidence is also clear that the public is willing to participate in our efforts as long as we provide the required level of services.

The household hazardous waste collection program is also gaining in importance. In its first year, 1986-87, nine municipal projects were completed at a total cost of \$197,000, of which the province provided \$78,000. These municipalities diverted 500 drums, approximately 30 tonnes, of hazardous waste from disposal sites. This material is professionally handled and evaluated for recycling or is treated for safe disposal.

This year, some 35 municipalities have had hazardous waste days and 12 have established permanent dropoff depots for these materials. To date, the ministry has invested \$290,000 in this program.

We will continue to support initiatives to achieve reduction or reuse of materials otherwise destined for municipal waste, by making consumers and producers aware of the need to reduce waste. Our purpose is to influence consumers' buying habits and to persuade producers to offer less wasteful types of goods and packaging. We are also increasing funds for market development activities for materials produced by recycling and recovery projects.

Another major aspect of the comprehensive funding program deals with financial and technical assistance to industry. Our goal is to help companies to improve waste management services and to foster development of state-of-the-art technology. Private industry may conceive of an idea that may not be developed because it would require an expensive and risky investment. My ministry is ready to step in to share that risk. I have doubled the industrial 4R funding to \$2.5 million in 1988-89. Some 70 projects have been funded and an additional 60 proposals are under review.

Through the Canadian and Ontario waste exchanges, we are an active partner with

municipalities and industry in diverting waste from disposal to reuse.

I am not satisfied by the 10 per cent recycling target deemed adequate by the previous government. This has already been surpassed by the communities with the best-developed programs. We are encouraging other municipalities to apply the lessons learned in these successful recycling initiatives to their own programs.

With more attention and innovative programs devoted to light industry, commercial operations and apartment complexes, I believe we can divert much more waste to productive use and away from disposal. My short-term target is 25 per cent, with 50 per cent the longer-term goal.

Landfill and incineration have been the traditional mainstays of waste management in this province. Their drawbacks are painfully evident. We must now cope with landfill sites, many of which have been closed for years, whose leachate is seeping to the surface or threatening to contaminate community wells. We have acted to close down antiquated incinerators in apartment buildings which burn inefficiently and which generate large numbers of complaints from concerned citizens. A regulation to this effect was gazetted last July.

With the continuing proliferation of landfill site problems and increasing concerns about the airborne products of incineration, we have placed strong emphasis on environmentally sound waste management. Better waste management is a widespread municipal need. As many as 300 municipalities will require additional landfill capacity within the next decade. More than 150 are now in the process of preparing waste management master plans.

The ministry is assisting in these efforts with initiatives such as our comprehensive funding program and amendments to our regulation 309 as it applies to municipal waste. When legislative and regulatory amendments now under development take effect, municipalities will be provided with clearer operating standards for landfills, standards which will at the same time provide more protection for the communities in which the sites are located.

Our government has brought forward some important programs to assist municipalities in developing improved waste management systems from cradle to grave. We committed \$8.5 million last year under the comprehensive funding program for waste management. For 1988-89, a budget of \$24.2 million has been allocated to ensure that adequate resources are



available to municipalities and the private sector for waste management activities.

Under the umbrella of this initiative, I announced a new financial assistance program in June 1987 to aid municipalities in establishing landfill sites, transfer stations and processing sites. Over \$8 million has been earmarked for this program through which municipalities can recover costs incurred for technical studies, engineering design, hearings and approvals, public consultation, capital costs for land acquisition, construction and equipment, retrofitting and expansion.

Small municipalities serving a population of 7,500 or less are eligible for assistance totalling 75 per cent of these costs. Groups of municipalities, counties and regional municipalities are eligible for 60 per cent assistance. Isolated municipalities serving a population exceeding 7,500 are eligible for 60 per cent provincial assistance. Individual municipalities that are not isolated are eligible for 50 per cent of the cost of approved works.

It is no secret that many existing disposal facilities need upgrading. In the past, the budget for this program has been insufficient. This is why we have more than doubled the funding available for our waste management improvement program to \$3.2 million. We are committed to increase funding further so that municipalities can recover up to 100 per cent of the cost of upgrading or closing landfills.

Both the financial assistance program and the waste management improvement program are currently being reviewed to ensure they are meeting provincial needs in the most efficient and effective ways possible.

Also within the context of the comprehensive waste management program, I have increased the budget for the waste management master plan program from \$750,000 in 1987-88 to \$1.75 million in 1988-89. Through this program, municipalities can recover up to half the cost of comprehensive long-term studies for waste management.

Our aim through these initiatives is not only to assist municipalities but also to provide the best quality service to the public. Our responsibility is to ensure that installations are safe, sound and efficient.

I believe firmly that wastes should first be attacked through our 4R solutions and process changes rather than through in-pipe or in-stack pollution controls. Reports released last year on municipal and industrial effluent discharges to our waterways highlight the inadequacy of

traditional pollution control approaches in terms of today's environmental protection needs.

Our objective is a substantial reduction in contaminant discharges. Our municipal-industrial strategy for abatement, MISA will be a mainstay in our regulatory program to achieve this. MISA is now well under way with monitoring regulations in various stages of development for nine industrial sectors. These regulations will require detailed monitoring and reporting of industrial pollutant discharges to waterways. In addition, municipal sewer use programs will establish a process for monitoring both municipal effluent and those industrial discharges now received by municipal waste water treatment systems.

Each monitoring regulation will be followed by an effluent limit regulation which sets contaminant levels achievable by the best available technology economically achievable. Two of these regulations will be promulgated in 1991, with the remainder all in place by 1992.

Each regulation will be reviewed and renewed on a regular basis, with more stringent discharge limits imposed as a result. The technology available to each sector and the economic capability of the industries in the sector will be key elements of this review so that the regulations can be tightened to bring each sector progressively closer to the virtual elimination of toxic contaminant discharges to our waters.

To meet this commitment, the ministry has obtained approval for an additional 104 staff and \$6.6 million for the MISA program. This brings the resources dedicated to MISA up to a total of 176 staff and over \$13 million.

#### 1640

We have applied increased resources to meet our commitment to the development of remedial action plans, or RAPS as they are known, for the 17 areas of concern on the Ontario side of the Great Lakes as identified by the International Joint Commission.

These plans will develop, in each area, the specific measures required to control existing and potential sources of pollution and restore beneficial uses to these waters. We will define the problems, identify each impairment, determine the appropriate remedies and develop action plans to implement these remedies and to monitor their effectiveness. Extensive and detailed public consultation is an inherent part of this cleanup effort.

On this note, I am pleased that, for the first time, public interest groups were represented in the negotiations leading to the revised and

strengthened Canada-US agreement on Great Lakes water quality which was signed recently. This agreement reflects the Ontario commitment set out in an earlier agreement between this province and the federal government.

MISA and RAP programs are the major action plans through which we will meet our commitment.

Another initiative to reduce toxic contaminant discharges is the clean air program to be implemented through a revised air pollution regulation, which was the subject of a discussion paper released last November. These proposals rival MISA in scope, impact and significance for environmental protection. They outline the reform of air pollution control which we believe will meet Ontario's environmental needs well into the next century.

In the public review, we were looking for proposals, concerns and comments from all walks of life in Ontario, because people in all walks of life will be affected by this initiative. This includes the farmers who suffer loss from crop damage caused by pollution, the parents concerned about their children's health, the environmentalists who look to the long-range consequences of continued pollution, the industries which must comply and still compete in the marketplace and the lawyers who represent them, should they run afoul of environmental laws.

We are now refining a regulation which will require significant reductions in air pollution, with the most stringent restrictions and controls on the most toxic and hazardous substances. Our proposed strategy is to examine each polluter and require bottom-of-the-stack controls appropriate to the hazard presented by the emissions.

As a second line of defence, we propose enforceable ambient air standards so that we can limit the total load of pollution a community is subjected to.

Our long-term objective in reforming air pollution control legislation, as we are doing in the development of MISA, is the virtual elimination of the discharge of the most toxic contaminants from Ontario sources to our environment. As such, approvals on specific operations will be reviewed on a regular basis and, if new technology permits better pollution control, then better control will be required.

Abatement requirements will be based on the level of pollution control attainable rather than on specific control processes. This leaves industry free to select the abatement process which best meets its needs. In my opinion, industries which

choose process change to eliminate, recycle or reuse wastes, rather than merely treat them before disposal, will enjoy an advantage over competitors, especially in later stages, when further abatement action may be required.

Supporting these and other programs, we have strengthened our enforcement capability and provided penalties for pollution which are commensurate with the offence.

In December 1986, Bill 112 amended the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act to broaden and increase dramatically the penalties for pollution. These amendments ensure that judges now have a range of penalties appropriate to the more serious pollution offences against public health and the environment. Our intention was to make the penalty for violating the law much more costly than the expense of compliance, providing a more effective deterrent.

Fines for corporations convicted of polluting have been raised from \$10,000 for a second offence to \$100,000. The most serious offences involving the negligent handling of liquid industrial hazardous wastes now carry a maximum penalty of \$500,000 a day. We wanted to give corporations a strong incentive to set up effective pollution prevention systems and to see that they are operated and maintained conscientiously. Accordingly, we have made corporations accountable for the conduct of their employees and agents.

Even more significant is the responsibility and accountability imposed on each director and officer of every corporation that engages in any activity that may result in the discharge of a contaminant contrary to our legislation. These individuals now have a legal duty to take all reasonable care to ensure that their corporations apply the appropriate pollution control systems to prevent such unlawful incidents. Failure in this duty is in itself a violation of the law. Apart from the financial penalties now provided in the legislation, individuals convicted of violations may face up to a year in jail.

We now have the authority to require financial assurance for projects and abatement programs approved or ordered by the ministry. Financial security, in the form of bonds, letters of credit or other assurance, has been required for a number of years as a condition of approval, especially for waste management. The purpose is to ensure that those parts of the project essential to environmental protection will be built and that funds are available to remedy any adverse environmental effects of the project.



The same assurance can now be required as part of any control order or approval issued under the Environmental Protection Act and the Ontario Water Resources Act. In the interest of fairness, this, like other requirements in our orders and approvals, is subject to appeal. In addition, there is a right to appeal before any security is forfeited. Finally, once all requirements of an order or approval are met, any security will be returned to the company which posted it. A final highlight of the amendments is that the courts, in addition to any other penalty, can require a convicted offender to cease the operations which caused the offence.

With this strengthened legislation, we have also reinforced enforcement capability to the point where prosecutions have more than tripled since I assumed my responsibilities as Minister of the Environment. I expect this enforcement activity to continue at levels which reflect the care for our environment the people of Ontario demand.

Our total enforcement and prosecution staff, including our 63-member investigations and enforcement branch, applies 95 person-years to enforcement activity. We are now doubling this enforcement capability. To this end, the staff of the investigations and enforcement branch has been increased by 33 members and another 18 enforcement-related staff have been added elsewhere within the ministry. Further enhancements will be made next year to fulfil the government's commitment to tough enforcement of Ontario's environmental laws.

When the penalties for pollution are significantly greater and the risk of getting caught more than doubles, then the deterrent against irresponsible behaviour on the part of polluters increases substantially. It is not our intention to stop there. The ministry is constantly searching for ways to increase its ability to protect the environment and human health and safety and to do so in an efficient and effective manner.

To this end, I improved environmental legislation through the Environmental Statute Amendment Act. This act contains provisions to enhance environmental control, to improve investigation, enforcement and prosecution procedures and to clarify and streamline approvals, hearings and appeal procedures.

Pollution prevention goes hand in hand with pollution abatement, and the key to prevention is detailed investigation and monitoring to anticipate problems and correct the causes. Following the discovery of pesticide contamination in some southwestern Ontario wells, we began a much

wider review of well-water quality in relation to agricultural use. We found and reported recently that pesticide contamination occurs with distressing frequency in farm areas as a result of careless handling of pest control chemicals and poor well construction or maintenance. In addition, pesticide runoff into surface waters can also cause significant pollution.

#### 1650

The ministry strongly supports the government's long-term program to cut pesticide use in this province to half the current level through better management, more use of alternative pest controls and extensive education in proper pesticide use.

On a much larger scale, our drinking water surveillance program is monitoring water quality and treatment plant performance in dealing with a wide range of chemicals in more than 45 municipal water supplies. This provides a continuing check on the quality of drinking water supply to 75 per cent of the 7.2 million people in Ontario who are served by piped municipal water.

This surveillance, coupled with technical help in optimizing plant performance, financial aid for new facilities and our program to reduce water pollution at its source will help ensure the best possible quality drinking water for Ontario residents. This is complemented by the continuing expansion of our Ontario drinking water objectives to cover a broader range of major pollutants, such as organic chemicals.

Monitoring, enforcement, legislation and technology development are essential for better municipal environmental services. However, the financial resources to meet the needs for water and sewage services are also part of the solution. To this end, the ministry is undertaking major expansions of its sewage treatment facilities at South Peel and Sandwich West, and at its water treatment plant in East Lambton. A total of \$42 million is allocated to expand and upgrade provincially owned facilities of which \$20.1 million is a direct subsidy to the municipalities.

We have allocated \$72.3 million to our regular upfront grants program which supports capital construction of municipal water and sewage treatment facilities across the province.

We recognize the limitations to municipal resources. Last year, we announced enriched grants providing up to 33 per cent assistance to regional municipalities for projects that have environmental significance and up to 85 per cent assistance for projects in smaller municipalities.

Unfortunately, the last few dollars of funding we have managed to squeeze out of the federal government are now being processed. There is no further commitment to future federal assistance. This holds true in the area of infrastructure renewal, where the only federal response is the curt advice that municipalities should raise their water rates and soak the users to make up the \$32 billion required to restore and maintain ageing systems.

This government is shouldering its share of the financial burden with 50 per cent grants to assist in infrastructure needs studies and 33 per cent assistance for the actual repair and rehabilitation work on water distribution and sewage collection systems.

These assistance initiatives are set out in our new LifeLines program that addresses municipal needs, as well as the need for other measures to protect drinking and recreational water uses. Funding for LifeLines has been enhanced by \$7 million or 140 per cent to \$12 million as the program gains momentum.

In addition to sewage works, we are involved in sewer separations and storm water collection and treatment studies, along with other measures to reduce contamination of recreational beaches and swimming areas. The cleaning up of Ontario's beaches remains an important goal of this government. To this end, we have doubled moneys allocated for beaches to an unprecedented \$30 million.

To this point, I have concentrated on those environmental initiatives within our borders that deal with Ontario sources. Neither legislation nor political boundaries present any barriers to the flow of pollution. In a number of key areas, we must contend not only with damage caused locally but also with the onslaught of contamination from other jurisdictions.

Our Countdown Acid Rain program set a dramatic agenda for substantial control of this type of pollution. Ontario's commitment set a challenging target for the federal government in negotiating abatement agreements formalizing commitments from the eastern provinces, so that Canada can demonstrate a clear national resolve on this issue.

The four major sources identified in Ontario's program have been meeting their deadlines in reporting progress. We have now advanced to the stage where it is appropriate to set up an auditing system to monitor their performance as we enter the emission reduction stages, and we will do so.

I am not satisfied that the United States government has the resolve to achieve substantial

reductions in acid rain emissions. The only effective lever I can see to generate that sort of government interest is a massive ground swell of public opinion.

I have made it a personal priority to take our case against acid rain to the US public. I have done this directly through national television interviews, sportsmen's and trade shows, and international events in the United States, through posters and through educational material. I have also encouraged and supported Ontario's active public interest groups in their efforts to convince Americans of the need to stop acid rain.

These efforts will continue in earnest to make Americans fully aware of Ontario's efforts to control acid gas emissions and appreciate how vitally important it is that similar action be taken in their own country. This we are doing at a time when Americans are particularly sensitive to air pollution issues in a presidential election year when ongoing negotiations are leading up to the re-authorization of their Clean Air Act.

In addition to all this, sharing the exasperation of a number of states that are acid rain victims, we are taking legal action to force the Environmental Protection Agency to enforce its own air pollution legislation on the sources of acid rain.

We have achieved several successes in our dealings with the Americans on environmental issues. We have reached agreements with individual states to share information and co-ordinate joint efforts on this and other air pollution issues and on common interests in water quality protection.

We have an understanding with New York state, the Environmental Protection Agency and Environment Canada on a co-ordinated cleanup of sources contaminating the Niagara River. In this and other US states, we have been able to achieve access to the courts and hearings processes affecting environmental decisions. In the hearings into discharge permits for the Niagara Falls, New York, waste water treatment plant, Ontario is in a strong position to represent our interests and press for the greatest possible pollution controls.

Despite these successes, we have a long way still to go. We must be ever vigilant, ever forceful in our efforts to ensure that our environmental interests are protected. We cannot afford to rest. In one area of international relations, we have solid grounds for continuing concern.

I raise five concerns about the free trade agreement and the environment for your consideration: Will this agreement alter the way



hazardous waste products are evaluated in this country? Does harmonized standard setting mean higher or lower environmental standards? Will the free trade agreement affect the development and implementation of pollution regulation to protect Ontario? Can an agreement cramp our ability to pursue environmental policy through economic incentives? Finally, what impact will the free trade agreement have on a conservator strategy and our control over the use of our natural resources?

Remember, the agreement binds both federal governments to take all the necessary measures to ensure that state, provincial and local governments observe the terms of the agreement.

Throughout all our programs, we are stressing the need for further investigation and research, looking for innovation in monitoring, scientific analysis, environmental economics and pollution control. We want the best available knowledge applied to the solution of current and emerging environmental problems.

We are directly involved in the search for this knowledge with more than 200 ministry-funded research projects under way this year. Our research budget provides more than \$2.5 million a year for new solutions, new technology in abatement and monitoring, and other innovative approaches to environmental concerns.

Our annual technology transfer conference takes place November 28 and 29 this year and I invite the honourable members to attend and hear some of the research achievements we are supporting. This conference demonstrates the scale and scope of the studies we have initiated. The provincial lottery corporation's allocation of funds was once the foundation of virtually all environmental research in this province. We have now incorporated research funding into our annual budget and no longer rely on this outside supply.

1700

In research, in investigation, in legislation, in enforcement and abatement, in consultation and environmental innovation, we are determined to stay on the leading edge.

The government's commitment to strong environmental policies is amply demonstrated by the budget increases allotted to the Ministry of the Environment. It costs the ministry, and no doubt the people of Ontario, far more to correct environmental problems after they occur than to prevent them. It costs industry far more to implement abatement measures after facilities are up and running than to incorporate them into the original design.

For many years, environmental concerns languished under the former administration. Those years of neglect must be corrected. It would be nice to think that we can make up for lost time. In point of fact, where the environment is concerned, this is often not possible. Leachate does not flow back uphill. Damage caused by cancer-causing pollutants cannot be undone. We must be proactive and prevent the problems before they occur.

You have before you representatives of a government that is vitally concerned about the environment in which we live and breathe. The public demands our unqualified commitment to environmental protection. We shall offer them nothing less.

**Mr. Chairman:** In recognizing Mrs. Grier, the critic for the official opposition, I point out that I am going by the clock on the wall with respect to times for starting and stopping. Should we go on, approaching six o'clock I will advise when it is five to six and we will be adjourning promptly at six.

**Mrs. Grier:** I am sure I will not, at least I hope I will not still be going at six o'clock. I mean, how much criticism is there of such an incredibly good program that has been outlined to us today?

Let me say quite sincerely that, obviously, one would not deny that there have been increased efforts to protect the environment by this minister. It has been two and a half years since we had the opportunity to discuss estimates and there have been a number of worthwhile initiatives, certainly some increases in spending over that time, and some increased resources to the protection of the environment, which we welcome and which of course take place in an atmosphere of absolutely unprecedented public support for that expenditure.

The minister, I know, would be disappointed if I did not say a "but" at the end of that sentence, and of course the "but" is that not enough has yet been done to achieve the level of protection I think the public very sincerely and genuinely wants, and that many of the initiatives that have been taken and the progress that has been made are in a very long time frame. I think it is too long a time frame in many cases.

Given that there have been improvements and increased levels of spending, it is a little difficult to know what kind of a yardstick to bring to bear against these estimates. I found it instructive to look at the percentage of spending upon the Ministry of the Environment by this government as a percentage of total government spending.

If we look at the very first year in which this government was in office, 1985-86, we find that the expenditures of the Ministry of the Environment were 0.96 per cent of the total government expenditures. Despite the initiatives that have been outlined to us and the commitment of the minister and the expansion of effort, in 1987-88 the Ministry of the Environment's expenditures in fact are only 1.12 per cent of total government expenditures.

One has to draw the conclusion, I think, that while there is an increase in commitment, it still does not represent a very major proportion of the expenditure of the government as a whole.

Another benchmark is perhaps to look at the promises that were made prior to the 1987 election and see how the level of expenditure we have measures up to some of those.

The minister has told us today that in the area of industrial waste, the spending on the four Rs, total funding has been increased to \$2.5 million. The promise we had was for \$2 million in new funds, so we have not quite reached that target either.

We have, as the minister has pointed out, a two-year increase in expenditures of over \$67 million. In August 1987, the promise was for a \$26-million increase in expenditures on recycling alone. While, as I say, there has been improvement, there is still a long way to go to meet the targets set by this government in the election campaign of last year.

On those fronts where there has been some action, I commend the minister. He dwells at length in his statement on the spills bill. I could not but mention that, of course, implementation of the spills bill was part of that famous and not yet forgotten accord. The minimum fines and the maximum fines in Bill 112 were the product of amendments moved by me in that period of minority government when opposition amendments somehow seemed to be accepted. When we came back to the Environmental Protection Act amendments in the period of majority, suddenly the welcome was not quite as warm and the support not quite as great.

There are other areas where I am disappointed we have not seen more progress. The minister mentions enhanced drinking water objectives. Drinking water standards are what we need in this province and there has been no movement in that direction. There is a very real difference.

I know the minister would want me to remind him of his commitment to an environmental bill of rights. A private member's bill enshrining those rights languishes before the standing

committee on resources development because somehow it was not seen as a major priority of the Liberal members on that committee to hold public hearings on the bill of rights, but I think much of the commitment that is spoken to in the statement we have heard today could be enshrined in law if we had those kinds of rights in the bill for this province.

When I think about the time frame of many of the initiatives, I am disappointed again that there are no dates and no target times given for many of the areas covered by the minister's statement today. There have been occasions when we have had a discussion paper instead of action or draft legislation to which we could more meaningfully respond. I am thinking, of course, of the environmental assessment program improvement project, EAPIP, where I think it would have been much more useful to have had draft legislation out for discussion before it was brought forward to be dealt with by the House than to have yet another discussion paper, and then presumably following that with legislation.

I compare that with the action of the Attorney General (Mr. Scott), who in the area of intervener funding has given us legislation to respond to instead of a discussion paper, which presumably he could have done. There is some prospect that we may have significant agreement on the legislation for a pilot project on intervener funding and move on that instead of having to wait yet another year to actually see the legislation, as we are going to be doing with the Environmental Assessment Act.

It is the same too on regulation 308, which the minister talks about at length in his statement. I would be interested, as we get into debate on the estimates, to again have a time frame for that. Are we still looking at the end of 1989 when we will see a regulation? If so, I am not sure that is much to boast about, given how long we have been waiting for it. I remind the minister that when he talks about closing down apartment incinerators, I think that particular regulation has been deferred at least twice. I hope it is finally going to come into play.

The minister shakes his head. It is going to happen, is it? I am relieved.

Some of the areas I hope we can get into in more detail and on which I would like to have some specifics from the minister when we do that, as I say, relate to time frame.

I hope that in the course of these discussions we might hear or be given an updated timetable for implementation of the complete municipal-industrial strategy for abatement program. I think



the last figures I have are from the industrial discharges report at the end of 1987 and I know that many of those target dates are now out of date. It would be helpful to have at least the current thinking as to when that program, on which so much else depends, will be implemented; because it is, I agree, a cornerstone of our water pollution program and yet the time frame seems to have been extended significantly from when the program was first introduced.

#### 1710

I also hope we can get into some detailed discussion on the costing of MISA. I am disturbed to find in the latest report on controlling industrial discharges to sewers, the program to implement control of the indirect dischargers, the statement that "costs incurred by the provincial government, due mainly to development of the program and regulations and its audit and enforcement functions, will be absorbed through internal reallocation of operating budgets."

As I go through the estimates, I see that in many of the votes there are costs allocated to MISA. It would be helpful, I think, to see total anticipated spending on MISA and also some idea of what that absorption through internal reallocation of operating budgets will mean to the operating budgets of the divisions involved. Frankly, I do not think that merely a reallocation of resources for a program of such significance is a satisfactory way of funding it.

On the issue of garbage I had hoped for, and perhaps in discussion we can hear, something more concrete in the way of the minister's plans to move beyond the blue box program. Surely we can only recycle the press releases announcing yet another blue box program so many times and will some time come to the end of that flurry of paper that descends upon me monthly.

On page 13 of the statement we see the word "should" in at least three examples: "Producers of small batteries should help finance...." "Food distributors and retailers should participate...." "Newspaper companies should participate...." None of us would disagree. Many of us have said that in the past. What I fail to find either in the statement or in the estimates are concrete plans to ensure that we move to see those things happen, rather than pious hopes that they will happen.

The refusal of the government to adopt mandatory recycling is an unfortunate signal, especially when we find, as we have been told today, that hazardous waste days have happened in only 35 municipalities. I suspect that some of them are perhaps once a year and that only 12

municipalities have established permanent drop-off depots.

Given the length of time this has been under discussion, given the public support where these initiatives have been taken by municipalities, I think one has to draw the conclusion that left to its own devices, it is going to happen far too slowly to attack the problem and that we may well have to move towards some mandatory instructions to the municipalities, with concomitant help from the ministry, to get on with it.

We have, of course, the reiteration of the four Rs from ministry spokesmen. I would remind the minister that to many environmentalists there are only three Rs. Recovery has become a synonym for incineration, which is not an acceptable way of dealing with the waste disposal problem.

Of course, missing again are any concrete proposals to deal with packaging, something that cannot be left unaddressed by this minister. I am sure the minister would agree with me that the federal initiatives to have nice symbols on safe packages is not an acceptable way to go. We obviously cannot afford to leave that to the federal level of government. There is room for some movement at the provincial level. I hope we can have some outlines of that as these discussions proceed.

Remedial action plans are another area where I hope we can have some specifics on the actual costs. Again, in a couple of the votes there is an explanation of the increased costs. They are attributed to the RAP program but I have been unable to ascertain what the minister anticipates will be the total spending on RAP and I would like to have that.

I think it would also be helpful to have a timetable. When does the minister anticipate the remedial action plans will be in place for the 17 hot spots in this province? Even more necessary, when does the minister anticipate we will see some of those remedial action plans implemented?

We can go on for ever having discussions and reinventing the objectives and the plans for remedial action. When are we actually going to get down to seeing something happen? What are we going to do in the meantime to make sure we are not creating an ongoing work program for remedial action plans? I refer particularly to lake filling.

I hope we can have some discussion on the action that has been taken by the minister, particularly in Metropolitan Toronto, to transfer the monitoring of lake filling to the Metropolitan Toronto and Region Conservation Authority and

what that means in terms of costs and effectiveness of that program. In looking back on my notes from when we last had estimates discussions, I find that I had asked when we might have an impact study on the overall effect of lake filling. Perhaps the minister can answer that question today, as it was not answered two and a half years ago.

Turning to the area of enforcement and the actions of the ministry in that respect, I think we have the Provincial Auditor's report to thank for some enhancement of the enforcement capability of the minister. I would like to hear some greater explanation of the computerized complaint tracking that the minister has outlined in his response to the Provincial Auditor. What resources are going to be allocated to that, what in fact will it mean and when will it be fully implemented?

The comments in the minister's statement today on enforcement refer to the increase in staff. Of course, the promise in the campaign was to double the staff and I see the minister is reiterating that today. I would like to have some expansion on the details of that, particularly as it refers to the legal services department. Along with many people, I regretted the departure from the ministry of, I think, four of the senior staff at the end of 1987. I was disturbed to find in the middle of this year that there was some kind of a hiring freeze at the ministry in the legal services branch.

I hope we can perhaps have some response to that question and some explanation of what the capability of that branch now is, as well as some discussion of the salary levels of that branch. It does no good to have lots more inspectors, better laws and more prosecutions if we do not have the capability of following through on those prosecutions, if we are unable, because the salary levels of that branch are considerably below those in the private sector, to attract the kind of people who can prosecute effectively and get convictions, and who can reduce the amount of time lag between the laying of charges and getting into court.

I am disappointed the minister did not mention in his comments the concerns I had also raised some time ago about the vehicle emissions program and the lack of staff and expenditures on that program. I hope we might have some expansion of comment as well as expansion of the program in the hours that lie ahead.

The minister tells us, with justification or with truth, that he has expanded the environmental security fund to \$20 million. I do not think that is enough and I would be interested in having some

breakdown on the expenditures that have been made from that fund to date and that are anticipated for some of the major problems that exist. The total cost of the cleanup of polychlorinated biphenyls in Smithville would take a considerable amount of that \$20 million.

The Pottersburg Creek cleanup, your ministry told me some time ago, had itself cost \$6 million. The Lees Avenue, Ottawa, landfill site was several million dollars. While \$20 million sounds a lot, if you put it up against the number of sites that need to be cleaned up and the experience we have had with cleaning up on which we have some accurate estimates, I suspect we will find that it is unfortunately only a drop in the leachate bucket.

I agree with the minister, of course, that the federal government's pullback from any infrastructure renewal program is unfortunate. I wonder how long we can go on saying that we cannot in fact do all we would like to do without federal contributions. I suppose we will know after November 21 whether we can anticipate any increase in that program from the federal level, but in the dreadful prospect of a continuance of the present regime in Ottawa and therefore a continuance in no federal funding, I do not think it is going to be good enough any longer to wring our hands and say, "We wish the feds would participate."

1720

Let me just remind the minister that it was in September 1986 that he promised the people of Wallaceburg a new pipeline, that he would pay 75 per cent of the cost and would get the balance from the federal government. I suspect that in the time it has taken to come to the conclusion that the federal government is not going to pay up, the cost of the pipeline has increased significantly.

If the minister put what was 75 per cent of the cost in 1986 up against the total cost of 75 per cent now, he could have paid for the whole thing back in 1986 and Wallaceburg would have its pipeline. But I am sure he will contradict me on that, and I look forward to that.

Finally, let me turn to page 36 of the minister's statement and say that I am disturbed the minister would come before us today and raise concerns about the free trade agreement. The concerns he raises today are not new ones with respect to the environmental impact of the Mulroney-Reagan deal. They are concerns I certainly raised in the House many months ago and at that time was assured by the minister that studies were under way in his department, that impact studies were being done, and that those would be made



available or we would be apprised of those findings when they were completed.

From then until today, all has been silence. I hope that rather than raising concerns, the minister can go back to the studies he allegedly said were being done by his ministry and tell us what they found. Did they merely raise concerns, and if they did, what has he done about them since those concerns were raised?

I welcome the appointment of the Ontario Round Table on Environment and Economy, and I welcome the reiteration of the minister's commitment to the National Task Force on Environment and Economy. I regret, however, that it is not accompanied by a pledge of not waiting for the completion of the deliberations of the round table and that neither is it accompanied by, nor could I find in the estimates, any allocation to support the efforts of the round table.

Any of those who have written on that subject have pointed out that the support services provision of the secretariat is essential if the round table is to be meaningful and is to report within any kind of a reasonable time frame. Perhaps they are all going to be seconded from the various other participants. If so, I would like to know that, and I would like to know what kind of allocation of resources the minister anticipates making to the round table and when he sees the first results of that.

As I have asked him before, can he give us some commitment that we will not be waiting for the round table, that there will be concurrent action by other ministries upon which environmental policies impinge? Does the Minister of Natural Resources (Mr. Kerrio) share the Minister of the Environment's commitment to integration of economic and environmental decision-making? Does the Minister of Municipal Affairs (Mr. Eakins), not only when it comes to the Niagara Escarpment Commission but also when it comes to implementation of the Planning Act?

Are we going to see from other levels of this government some real movement towards making sure that, for example, when there is new development, it is designed in such a way that recycling can be part of any new commercial or residential buildings? This is not a new suggestion but it is not anything I have seen addressed by this minister. I think it is a fairly basic move that needs to be taken if we are to move away from the Ministry of the Environment as a cleanup environment ministry—something that comes in after the fact and attempts to clean

up—to a ministry that is truly a preventive ministry.

I am sure the minister wishes to see that happen. I know my party wishes to see that happen. I hope that in the hours that lie ahead we will have an opportunity to focus on how that is going to happen and what resources have been allocated to make it happen.

**Mr. Chairman:** Thank you very much, Mrs. Grier, for your very detailed comment on the presentation made by the minister. I glanced over his shoulder and noted that he has substantially more points noted than I have. He must be subdividing even further than I did, so I am sure it is going to be very interesting as we pursue the discussion into these many areas you have identified so well.

The critic for the third party indicated to me she was not feeling as well as she might be today. I will give you the option at this point of whether you want to proceed today or next day, Mrs. Marland, because if you would prefer to wait until next day, I think the minister and the committee might be receptive to postponing that as a kick-off for what we do next day. If you would like to go on, though, you do have time. You have about half an hour.

**Mrs. Marland:** First of all, I appreciate your kind consideration, Mr. Chairman. If I do not make my comments today, do we lose this half-hour?

**Mr. Chairman:** No, we do not. We will just count the time we have used so far.

**Mrs. Marland:** Frankly, I would appreciate it.

**Mr. Chairman:** The other alternative the minister just communicated to me is that if Mrs. Grier would like, he could begin to respond to Mrs. Grier instead of doing the format I had indicated earlier. We could use the time productively until 6 o'clock, whichever you would prefer.

**Mrs. Marland:** That is fine with me; thank you.

**Hon. Mr. Bradley:** I will attempt to do that, and I fully understand. Mrs. Marland spoke to me earlier in the day about this, about a circumstance she had to face this morning. We appreciate this happens from time to time and I will certainly look forward to her remarks on the next day on which we are involved in the estimates.

I will take advantage of the opportunity to reply and respond to some of the points that were brought forward by Mrs. Grier on behalf of the

New Democratic Party, and I will also ask some of my officials to respond in addition to that. I will select certain areas from here.

First of all, I want to respond fully to the questions that are brought forward by members of the committee and will continue to do this throughout the estimates. I looked at a couple of areas that I think may be of some interest to her. For instance, as you often hear people say, we will deal with the last first.

The round table is an interesting concept that has developed. The member obviously shares my concern about round tables. I think they are excellent. This developed from a recommendation, in fact from one of the main recommendations of the National Task Force on Environment and Economy, which I was privileged to serve on as one of the six or seven ministers who were on it. It was chaired by the former minister from Manitoba and by Roy Aitken, who resides here in Ontario and of course is a vice-president at Inco.

As to the round table in various provinces, I think we are fairly quick off the mark. Everybody seemed to be in and around September 1988 with a round table and we were looking forward to that. I think we established one with a lot of people with credibility on it.

One of the problems you have with a round table is establishing how big it should be. If it is too big, it becomes very unwieldy. If it is too small, various groups in society or individual companies or environmental groups may say, "We would like to have had the opportunity to serve directly on the round table." What we want to ensure is that those who do not serve directly still have an opportunity for input at a round table.

The member for Etobicoke-Lakeshore indicates her concern about the fact that a round table can be an excuse for inaction. I want to avoid that. I remember hearing a rather public comment. I think it was from the chief executive officer of Noranda, Adam Zimmerman, talking about round tables and how useful they can be, indicating that he hoped—it was interesting hearing it from an industry source—that it would not be a reason to postpone any specific initiatives. I intend to ensure that is not the case.

**1730**

I appreciate the deliberations of the round table, as one of the ministers. By the way, as a government we deliberately made the Chairman of Management Board (Mr. Elston), who is also chairman of cabinet and Minister of Financial Institutions, chairman of the round table. In Mr. Elston, we have an individual who is a former

critic for the Environment and asked a lot of questions in opposition over the years on environmental issues, and he has specific responsibilities financially. I thought it was a good selection.

We also have a number of ministers on it, but there are also a number of people from the private sector who we want to have buy into, if you will, the idea of sustainable development. But I do not think we sit around as a government or as a Legislature and wait, for instance, for regulatory or legislative initiatives that are based on some deliberations on longer-term issues taking place by the round table.

I see the round table addressing longer-term issues of sustainable development, but also looking at some specific instances where a demonstration project, or two or three or four, can be very successful in proving the recommendations of the National Task Force on Environment and Economy to be correct.

In terms of the secretariat, the government is in the process now, I think Mr. Posen would confirm, of interviewing a secretariat, because I think it is important to have an independent secretariat for the round table, with some resources. I am aware of an allocation in our budget this year for it, but as the round table gets established and gets going, I think other ministries will be contributing financially and resource-wise to this. We see it as interministerial, and almost intergovernmental, but it is really interministerial and is of course involved with those public interest groups in the private sector whose expertise and assistance we will be drawing upon.

I have some scepticism that in certain jurisdictions it can be used as an excuse for inaction. I want to assure the member that it will not be here and I hope she will challenge that in the House or in other places if she notices that is creeping in.

You talked about federal funding for infrastructure renewal. The municipalities have really made the best case, probably a better case than the provinces have, at the famous meetings of the resource and environment ministers. By the way, we are changing the name of that now from Canadian Council of Resource and Environment Ministers to, I think, the Council of Environment Ministers. The reason is that resource ministers do not usually go to the meetings—they have their own groups—but there are a lot of resource issues discussed there.

There is good support there for it, but the best support and the best work done on the need for infrastructure renewal and its positive effect on



the economy has been done by the municipalities. Both the critics, as former municipal representatives, may recall that municipalities for some time have been doing some good work developing a case for financial participation by the senior levels of government in infrastructure renewal.

Interesting studies came out of that. One was that rehabilitation of the pipes, for instance, was about 70 per cent cheaper, I think the figure was, than complete replacement of those pipes. There are technologies and methodologies that can be employed that prove to be rather beneficial and cost-effective. Again, it was the Federation of Canadian Municipalities and the provincial groups that proved that out. They put forward a document a couple of years ago called, I think, *Work, Work, Work*. It really pointed out the economic benefits.

I know that in certain parts of our province we have a highly charged economy, some would say an overheated economy. If you said you needed a shot in the arm in certain areas of this province in terms of construction, some would look twice at you for that. But there are parts of the province where that kind of construction could be directly beneficial in terms of jobs and economic activity, and certainly in other provinces that would be the case. So I will continue to press the case.

What I have said about it is that renewed federal participation in infrastructure renewal would advance and expand the program. This is not to say that our regular program will not continue and that our additional funds will not be added. They will be, certainly. Our money is on the table. Keep in mind that for infrastructure renewal there was zero available; zero for infrastructure renewal as we know it.

We said: "Look, we're prepared to put our money on the table, our 33 per cent for this specific program of infrastructure renewal. The municipalities seem to be prepared to put forward their one third. The silent partner, or the partner that is not at the table yet but may be in the future, is the federal government."

I was together with a number of ministers from across political lines, across geographical lines and across cultural lines who put this case. The interesting situation for us, by the way, is that in Ontario we are talking about infrastructure renewal. In some parts of this country, they are talking about infrastructure. When you flush the toilet in St. John's or Halifax, it goes directly into the harbour. When you flush the toilet in Ontario, we are talking about not just primary or secondary treatment; we are often talking about tertiary

treatment and fine-tuning of highly sophisticated sewage treatment plants.

Each one of us has a need for that kind of infrastructure renewal. I will continue to bring the case of the municipalities to the federal government. I do not think it is a matter of their being disinterested. They do not believe it is in their jurisdiction. They would prefer not to put the funds forward. If they would develop a more designated and specific program, I think some of the municipalities would find that acceptable. For instance, where we are dealing with national waterways, that is one place where the federal government could advance those funds without feeling it was moving into provincial jurisdiction.

I think they are also concerned that in terms of credit, when they have put forward funds in the years gone by, provinces and municipalities have assumed the credit for it. I think that would be fair on the sign. If you had a huge sign, it could be Canada, Ontario or whatever, if that is what they wanted to see. I think it is fair ball for the government to demand or strongly request that kind of recognition. I would be delighted to provide that kind of recognition because I think infrastructure renewal is essential environmentally and essential in terms of the jobs it would produce.

You mentioned the environmental security fund expenditures. I hate to say anything that would highly annoy anybody like the Treasurer (Mr. R. F. Nixon), but there are virtually unlimited funds in that area. When there are projects that come forward, if there are problems that arise, we are prepared to devote the funds to it. In the subsequent day, or even today, we will list some of the projects.

In my own area of the province, I think of Chippawa Creek—environmental security funds have been applied there. The Norton Co. has voluntarily paid what it considers to be its fair share after long negotiations with the ministry. The ministry has paid its share of a cleanup there. Invariably, these cleanups take longer and cost more money than you might predict at the beginning because there seems to be more contamination. That is an example of that.

Smithville is probably the most dreadful example of the way not to handle polychlorinated biphenyls. I am not going to go into the history of it and point fingers from 1978 or 1979, whenever it was, except to say that we have learned a lot since then. I think we have learned from that. A citizens' group has been very vigilant out there in keeping track of it.

It is going to cost a substantial amount of money to have a burn of the high-level PCBs on that site. It is not just burning the liquid PCBs; it is also the solids that must take place. So there will be that cost, the destruction cost. We anticipate that if it approved by the board through a hearing process, that will take place next spring.

Additional costs are what gets into the ground water, what gets into the soil and what gets into the bedrock. That is where we are doing some exploratory work through consulting firms that we have hired to determine the extent of the contamination and to produce some suggestions for remedial action.

Those people in the Toronto area, and also the member for Mississauga South, will be interested to know about the application of some of our funds for lead and soil removal, as well. We have been in partnership with the city of Toronto in this regard. Of course, we believe that the companies in both cases have a responsibility, but we were not prepared to sit and wait for the company to put its money on the table. Instead, we put our money on the table, along with Toronto, which was very co-operative in this regard. What emerged from that was a program of cleanup that I think, at long last, the people of the community are pleased to see happening.

Those are some instances of that. I do not know whether Mr. Castel would have available right now some of those other projects. Perhaps he could provide that information to Mrs. Grier right now. André Castel, as I indicated to you, is the executive director of corporate resources.

1740

**Mr. Castel:** Perhaps I will first of all talk about the principle of the fund, which is that it is used in emergency situations and in cases of unresolved environmental problems to fund projects that clean up or restore the natural environment and protect human health and safety. Except where immediate ministry action is necessary to protect the environment, the security account is made available only if the responsible party cannot be identified, so the first objective really is to identify the responsible party because the policy is that the polluter should pay.

In terms of projects that have been assisted under the fund, we have funded 31 projects so far. As the minister has said, we have increased the fund this year from \$10 million to \$20 million, and the \$20-million funding will continue in future years. Expenditures in prior years amount to \$31.3 million, and in 1988-89, which is this year so far, we are estimating approxi-

mately an expenditure of \$19 million for a total in excess of \$50 million up to the end of 1988-89.

I believe the question was asked how much we are spending on the Smithville PCB cleanup. We have spent in prior years—when I say “prior years,” I mean up to the end of the current fiscal year—\$4.2 million, and we are expecting to spend this year another \$2,943,000, for a total of \$7,143,000.

**Hon. Mr. Bradley:** As I have indicated, we are prepared to expend further dollars. We always look forward to the polluter paying. That is the principle we look forward to, but sometimes you cannot get blood out of a turnip, so it is really a case of not waiting for the polluters to pay up. It used to be the case, and it is in other jurisdictions, where you pay your lawyers first and your victims second. We want to pay the victims first or look after the victims first, and then the lawyers can fight over it later if they want to do that, and sometimes it is necessary.

**Mrs. Grier:** Could you expand a bit on the process by which that works? We had the spills bill and we had the advantage that it enabled us to move in and clean up rather than arguing who was at fault. Does the same provision apply in this case? Do you have to wait to determine that there is nobody responsible before you expend any funds?

**Hon. Mr. Bradley:** No. We can expend the funds when we want to expend them, and we have taken advantage of that opportunity to do so because if we had to wait for that, it would be too long a delay. Sometimes a cleanup is necessary right away and sometimes we simply want to get on with the cleanup. Whether it is an urgent or chronic problem, we simply want to get on with the cleanup and do so, but there is not that holdback from it and we can proceed.

We usually try to approach the polluter first, the company we believe is responsible, and say: “We think you are responsible. We think you have an obligation.” Sometimes they respond positively and sometimes they do not respond positively. If they do not, we proceed ahead. It does not take much time to do that. We can often determine almost immediately how co-operative a company is going to be.

We think the environmental security fund is important. We think there is another fund that is necessary. The environmental security fund, remember, comes out of general taxation and is applied to these projects. What I would like to see—I have been campaigning for it at the annual meetings of the environment ministers of Canada—is a national environmental security



fund, or as they call it in the United States, a superfund. I do not know the United States model is the model to use by any means. There are many critics of it, but we think that kind of fund on a national level would be very useful.

The reason I say that is that one of the things everybody in the environmental community fears is the creation of pollution havens. The more you can do things on an international basis, the better, but that is not always possible because of different laws and customs and so on. The more you can do things on a national basis, the better it is. The more our national laws governing the environment are the same, we are in a better situation, whether all the provinces agree they are going to have the same laws or not or whether it is one national law that is imposed, whatever happens to be the case.

In the case of Ontario, for instance, we are probably in a better position to actually enforce it. A concern is that if you have national laws there and they cannot be enforced, that becomes a real problem. We do have the enforcement capability, and I think generally we are a fortunate province. We have a lot of financial resources here, and there is a great commitment on the part of the people of this province to environmental cleanup and environmentalism at large.

We are probably leaders in most sections of the country. Other people rely on Ontario's experience to see what they are going to do, and that is fine, but we are concerned about the fact that you could create havens. For instance, if we applied an environmental security fund or a superfund to this province, we do not have the taxing powers at the production level, at the manufacturers' level where, to cite the American experience, they have used their taxes, feedstock taxes and things of that nature. We have retail taxes that we can only apply in this province.

Those are the two reasons: First, that the federal government has the actual tax which could get at the potential polluters and the polluters best and directly, and second, that if we were to impose a special tax on the petrochemical industry in Ontario and it were not to happen in other provinces, Quebec or out west, then we would penalize our industries here in Ontario at the expense of others. If we have a national tax that applies to everybody equally, that is a different story.

I report progress on this. It is interesting to see the people who are opposed to it, who drag their feet on it. One of the concerns some of them have is that they believe much of the expenditure would take place in Ontario. I would say that the

majority of the funds would in fact come from Ontario, but they would come from other provinces as well, and other provinces have some genuine problems where this could be applied.

I think there is a growing consensus among the environment ministers that indeed a national superfund is essential. The commitment I got out of them this time was that there would be a specific meeting of the environment ministers to deal with that specific subject within a six-month period of time, as opposed to simply heading into a general meeting where you can talk about all and sundry. I find where there are specific meetings of environment ministers of the country dealing with a specific subject, that can be most effective.

We try to work very closely with the senior level of government as people would call it, the federal government, in this regard as well. They appreciate Ontario's contribution at those meetings. We appreciate the co-operation we get from time to time from Environment Canada in certain projects that we have.

**Mr. Chairman:** May I interject and recognize Mrs. Marland? She would like to ask a supplementary on this point, I think.

**Mrs. Marland:** No. Just before we finish, I would just like to ask you for some material.

**Hon. Mr. Bradley:** Sure. I would be happy to do that.

**Mrs. Grier:** On the superfund: Has the minister any indication of the total possible exposure if we move to clean up, over whatever time period, all of the hazardous waste sites that have been identified by your ministry?

**Hon. Mr. Bradley:** No. That is one of the reasons again that the collection of ministers nationally have been reluctant to move as quickly as I would like.

What they would like, and they have done some good studies on it, in fairness to some of the other ministers—you know, sometimes I am critical that they will not move as quickly just as you are naturally critical of me when I will not move as quickly as you would like—they want to know what the total cost would be, they want to know what the criteria would be to apply it and they want to know what the funding sources are. I think we could have had that available for this year's resource and environment ministers' meeting. It was not, and there were a number of other subjects on the plate as well, but what I am trying to get out of them is that they would agree in principle to the establishment of such a fund.

Frankly, given my druthers, if there is such a word, I would rather have it based on those who could produce the pollution. I have heard some corporate officials say, "Because you buy the product you are the polluter," no matter what product they are producing. We are all polluters, and yes, to a certain extent we all make a contribution to pollution in this world, but some make a significantly higher contribution to pollution than others.

I would prefer that a national superfund not be based on general taxation of all people in the country but rather that it be directed at those who would be producing pollution potentially. It has to be done on a fair enough basis, and I understand why you want to get the right mechanism and you do not want to make the mistakes the United States made, but in fact you want to learn from what the Americans have done.

**1750**

One of the studies they are doing for the national group of ministers is on what the potential needs would be. Some of them are hidden needs that we do not know about yet. In Ontario, to give an example of the coal tar situation, we went looking for trouble. If you could compare Ontario to other jurisdictions—I do not say this in any condescending way at all. It is just our tradition perhaps in the province; it is the financial resources we have; it is our commitment, as a Legislature and as a people, to environmental concerns. We go looking for problems in our government, and coal tar is an example. We said: "Well, we have found some coal tar. How much coal tar is there in the province?" That is when we conducted a specific study. We got a consulting firm that went out and conducted studies.

You would be interested in this. I do not want to bore you with anecdotes, but this is a good one. I was a teacher, as you remember. One of my students wrote to me. She said: "I'm a librarian now. Why don't you look in libraries for this information? Why don't you study maps that insurance companies have, because they want to know how much they are going to charge people for insurance rates when there is a coal gasification location here and there?"

By looking at a lot of old maps and a lot of old material they had, just in libraries and municipal records and so on, we were able to identify where they were. As a result, now we are evaluating them. We are working on some already; we are evaluating others to see what to do with them.

The real problem arises when you want to change land use. When somebody wants to put

the day care centre next to it, or the city hall or the drinking water supply, the red flags go up about that. We looked for that. We understand that there could be a lot of problems out there, but I think a commitment of funds to clean up the historic problems, to look at potential disasters and to assist with that, would be very useful to have for Canada.

**Mrs. Grier:** Perhaps the minister could share that list of old coal tar sites with the committee. I am sure that would very helpful.

**Hon. Mr. Bradley:** Yes. We have already produced that, so I will bring that next time around. We put out a press release and reports on where they are, so I will bring those to the committee. I think that was about a year or a year and a half ago we did that.

**Mr. Chairman:** I would like to recognize Mrs. Marland, because she has a request for information. We are getting very close to the hour of six and I do want to finish up at the appointed time, so if I could interject at this time, there will be an opportunity next day, I am sure, to pursue a lot of these other things we have not pursued in the questions from the first presentation just yet.

**Mrs. Marland:** When do we meet again?

**Mr. Chairman:** Next Thursday at 10 a.m.

**Mrs. Marland:** Not until Thursday?

**Mr. Chairman:** Thursday.

**Mrs. Marland:** Okay. Then what I am requesting, if there is sufficient time for it, is that in the estimates book, there is a staff line graph of who is who and where. Could we have the same for the minister's own office?

**Hon. Mr. Bradley:** Sure.

**Mrs. Marland:** Can we have the salary ranges on both graphs?

**Hon. Mr. Bradley:** Yes, I think they are available. That is no problem.

**Mrs. Marland:** Also, could I have a legible copy of the municipalities that are under waste management plans? This was faxed to me and it is illegible.

**Hon. Mr. Bradley:** Okay. I cannot read fax machines' productions either.

**Mrs. Marland:** They are okay until you copy them, but also, this is very small. Thank you.

**Hon. Mr. Bradley:** I would be happy to provide that and other information. During the week, for instance, if you feel there is some information that might be useful to have on hand, we would be happy to produce that.



As well, I should say that, in addition to our ministry people, and I mentioned this to both of the critics previously and other members of the committee, we have the Ontario Waste Management Corp. Dr. Donald Chant appeared before this committee for a substantial period of time and was cross-examined by not just the critics but a number of people. Actually, the member who represents the area where he has selected his site is always interested, but there were some other questions that arose about the OWMC.

We have contacted Dr. Chant to say that he should be on notice that his appearance before the committee may be requested. We would be happy to have him before the committee to have any questions directed to him. I know members of all parties may be quite interested in what Dr. Chant has to say because this is a major initiative, commenced by the previous government of Ontario in response to the problem of liquid hazardous industrial waste and, of course, continued by this government.

I know members often like to have that kind of information available on what the OWMC is doing, what its plans for the future might be and the manner in which you feel, as members of the Legislature, that the OWMC is conducting its business and how you think it should. I think that would be—

**Mrs. Marland:** I do have some questions for Dr. Chant, as I mentioned to you earlier. The only problem with having Dr. Chant here is that his answers are even longer than the minister's.

**Hon. Mr. Bradley:** I cannot believe that.

**Mrs. Marland:** We had him in front of the standing committee on government agencies as recently as a month or two months ago. The questions I have are from that meeting, but I would not want to schedule him early in our estimates because we will lose all our valuable time with you.

**Mrs. Grier:** I would concur with that. Last time, when we had Dr. Chant here for a day, we had 17 hours for estimates. It has been cut back to less than eight and Dr. Chant has just been extensively before the other committee. That Hansard makes interesting reading and I think anyone who had a question had a chance to raise it then. I hope the minister would not want to—

**Hon. Mr. Bradley:** I will be in the hands of the committee.

**Mr. Chairman:** Was this the point you raised a moment ago that you wanted to comment on?

**Mrs. Grier:** No. It was just that I got a distinct feeling the minister would love us to have Dr. Chant for two days and I want to forestall that.

**Hon. Mr. Bradley:** I think it would be unfortunate if we had Dr. Chant for two days because it would erode the amount of time we have to discuss the important environmental issues before the province.

**Mrs. Grier:** Precisely.

**Hon. Mr. Bradley:** But I would certainly be in the hands of the committee. There are some questions which could be directed to him, and if you had a specific time line you would like, I think that may be what you are looking for.

In that regard, Mr. Chairman, I will be happy to sit down with the two critics and other members of the committee to determine how you would like to do the estimates so we have the appropriate people here and I do not have to say, "I am sorry that person isn't here" at the time. I would like them to be here at your convenience so you are able to question them.

**Mr. Chairman:** Thank you very much. I would like to sum up and adjourn in a moment, but before I do that I would like to give some direction with respect to the actual time we have.

As a prelude to that, as chair, I would really appreciate being able to recognize a quorum promptly at 10 o'clock next Thursday and 10 minutes after routine proceedings in the afternoon. In that way, you should realize we will be doing probably four and a half hours of estimates. With the approximately two hours we have completed today, that will leave about two hours for the following Thursday and that will finish the eight hours we have available to us.

I submit that it is very important that we come back next week with what we want to talk about very clear and clearly focused. If I, as chair, can participate in any of this background discussion, I will free up time to do that, because I think it is very important that all the concerns be met.

What I propose to do at 10 o'clock next Thursday is to begin, as I promised, with the critic from the third party. At the end of that presentation, I suppose the minister will not only address the concerns raised by that critic but the ones which have not been focused in on as yet by the critic from the official opposition.

Are there any further questions anybody wants to put before I formally adjourn?

**Mrs. Grier:** Do you then intend to move on to the other votes and do it as you had suggested earlier, or are we going to stay on vote 1501 for—

**Mr. Chairman:** The other thing I would like the critics in particular to talk to me about early in the week is whether they propose to stay on vote 1501 or whether they want to time the situation

on the other three votes. We should determine that right at the beginning of what we are doing after we finish what I have already formalized.

**Mr. Callahan:** You are far too orderly. What you are doing is letting the word out to the House leaders that we will finish by Thursday next and they will give us more work.

**Mr. Chairman:** That is exactly the idea. We already have enough to keep us going, by my

calculation, for nine weeks. I do not think we have to worry until about the fourth week in December, which is about Christmastime, about what we need to do beyond that point.

With that comment, I will formally adjourn this session. We begin again at 10 o'clock on Thursday, November 17.

The committee adjourned at 6 p.m.



# CONTENTS

Thursday, November 10, 1988

## Estimates, Office for Disabled Persons

Recess ..... G-119

## Estimates, Ministry of the Environment

### Opening statements

Hon. Mr. Bradley ..... G-124

Mrs. Grier ..... G-133

Adjournment ..... G-144

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

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McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

### Substitutions:

Allen, Richard (Hamilton West NDP) for Ms. Bryden

Grier, Ruth A. (Etobicoke-Lakeshore NDP) for Ms. Bryden

Marland, Margaret (Mississauga South PC) for Mr. McLean

McClelland, Carman (Brampton North L) for Mr. Ruprecht

Offer, Steven (Mississauga North L) for Mr. Cordiano

Owen, Bruce (Simcoe Centre L) for Mr. Cordiano

**Clerk:** Carrozza, Franco

### Witnesses:

#### From the Office for Disabled Persons:

Mancini, Hon. Remo, Minister without Portfolio (Essex South L)

Sauvé, Clem, Senior Adviser

Alldrick, Bev, Manager, Policy and Research Services

Little, Stephen, Manager, Community Initiatives

#### From the Ministry of the Environment:

Bradley, Hon. James J., Minister of the Environment (St. Catharines L)

Castel, André, Executive Director, Corporate Resources Division







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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of the Environment

**First Session, 34th Parliament**  
Thursday, November 17, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, November 17, 1988

The committee met at 10:10 a.m. in room 228.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT (continued)

Vote 1501, ministry administration program; item 1, main office:

**Mr. Chairman:** The chair recognizes a quorum. We are presently considering vote 1501 of the Ministry of the Environment. As we left it last day, we made a few arrangements at the end so that the chair would recognize the critic of the third party. The chair recognizes Mrs. Marland at this time.

**Mrs. Marland:** I think what I am just going to do is to start off with some of the comments based on the minister's opening statement, and then I have some questions that I had prior to hearing what the minister was saying. I will try not to duplicate them.

The minister said that staffing for environmental programs remains a major priority. In 1987-88, 130 new staff were obtained for the ministry, and in 1988-89, a further 163 staff have been added. I would be interested to know which branches these staff went to and, if I may, have a breakdown of their classifications—for example, how many to water, air, waste, environmental assessment, etc. I would also like to know whether they were clerical, professional or technical. By the way, thank you for the materials that I asked for. I did receive the line graphs of your office that I requested last week.

On the subject of the security fund, superfund or however we might refer to it in Ontario, during the debate of my leader's resolution on a provincial superfund, the minister's parliamentary assistant, the member for Brampton North (Mr. McClelland), who I see is joining us this morning on the committee, said the security fund that the Frank Miller government initiated was indeed the provincial superfund. In responding to the comments of my colleague the member for Etobicoke-Lakeshore (Mrs. Grier), the minister indicated he could spend as much money as he wanted under the security account, implying that it was virtually limitless, despite the \$20-million annual budget. Unfortunately, we do not receive the Hansards of committees very quickly, as you

know, so I was not able to pull out the actual quote, but I did get quite excited at the statement.

I would really like to know if the government's position is that the security fund is the provincial superfund your party had promised in the 1985 election campaign. If so, will the security fund then be used to clean up all the sites identified in the 1988 waste site inventory in need of remedial measures, and when could we expect these cleanups to be completed? Will the minister provide a list of all projects funded by the security fund to date?

The minister also addressed the clean air program under air pollution regulation 308. When the green paper was released for public discussion in November 1987, we were talking at that time about how long the process was going to take. The closing date for public comment was April 30, 1988. I understand that you held 20 meetings across the province to discuss the reforms. Now that we understand from your statement where your clean air program is going. I think we need to know when you will be finalizing the regulation. It has been almost seven months now since the public comment period ended.

Also, if we understand the regulation correctly, it is going to be phased in to cover the most hazardous 10,000 existing air polluters within five years and the remaining 10,000 significant polluters within 10 years—another five years, in other words. My feeling is that it is not necessary to give 10 years to phase in that clean air program. Why do you feel that you have to give the most hazardous ones as much as five years to phase it in? It seems too generous in terms of the time that we have been waiting for it.

We are really anxious to see you reconvene the select committee on the environment. Through my own experience as a member of that committee, I have to say that it was a very productive all-party committee. It was one of the good select committees of the Legislature, where it did not break down on partisan lines. It was productive. We only just began to start into an area of subjects that we had wanted to discuss on that committee. Of course, we did deal with the acid rain subject in its detailed sense, and that is how we were able to eliminate the banking privilege for Ontario Hydro, which we uncov-

ered during the process of those hearings. I know that Mrs. Grier and I both were very happy to be part of getting that resolution through to move the banking privilege from Ontario Hydro.

However, that whole subject area was just the beginning. We wanted to get into the Great Lakes water quality agreement. I think it was the next thing. We had about three major items that, as a committee, we agreed that we wanted to discuss. I do not think that committee has met since the spring of 1986. I am not quite sure.

**Mrs. Grier:** It is at the call of the House leaders. We do not exist.

**1020**

**Mrs. Marland:** No, I know. I know why we do not exist, but I think it is almost two years now since that committee met. In any case, we did not meet in 1987. I would ask you to consider reconvening the select committee on the environment, because I would think that it follows the direction that both your government and you, as the minister, have promised, about looking at all aspects concerning the environment for this province. I am sure that this minister has enough influence over the government House leader that you could. You certainly would get support from our House leader to re-establish that committee, and we can get on with the very important areas of concern for discussion in Ontario.

I wanted to ask you, when you are looking at the air emission standards, whether in fact you will establish standards that are particularly for garbage incineration, both residential garbage and hazardous waste. Obviously, there are going to be two different standards. I also wondered when you are going to look at a standard for the delicate subject of medical waste. I am not clear from your comments on regulation 308 that that is going to look at those three areas separately.

When you are looking at your clean-air program, when you talk about requiring bottom-of-the-stack controls appropriate to the hazard presented by the emissions, I do not know what you mean by "appropriate to the hazard presented." I can guess what you mean, but bottom-of-the-stack controls are fine as long as we know whether it is continuous monitoring, and is the monitoring going to be done by the Ministry of the Environment staff or by the operator? I think it is very significant, especially if it is a hazardous incineration program, that the monitoring is continuous. It also has to be done independently, not by the operator; otherwise, the public cannot be sure that its environment is being protected.

This is just a housekeeping item, but for me, as the critic for the Ministry of the Environment for the Progressive Conservative caucus, it is a very significant item and something that I know you can address by the sweep of your hand, because I respect the power and the position of the minister. But I have to tell you, one of the greatest frustrations I have had since I have become the critic for the environment—and I did not have this problem as critic for the Ministry of Community and Social Services or two other ministries—is that any of your office's press releases, your ministry's press releases, Jim, come to me via regular mail. That means that I get them about a week after.

If we hear there is going to be an announcement and we get on the telephone, your ministry will send it down by taxi. That is a terrible waste of money when we have electronic mail in our data system. So I would ask that it be routine that we have the courtesy of the electronic mail transmission of all your releases. Even government couriers, which are in the ministry all the time, would be cheaper than taxis. As I say, if we telephone and ask for them because we hear they are coming, we get them in a taxi. But if we do not know it is coming—and I can give you the example of your very critical, to me as a representative in Peel, announcement to the region of Peel about what it was going to have to do about going back to retest its landfill sites in Peel. If I had not had a call from Mayor Hazel McCallion, I would not have known anything was going on. We did watch for when the notice came, and it did come a week later in regular mail. I know that is something you can remedy. I do not get a chance to talk to you enough to tell you these things in the House, and I figure I might as well tell you now.

When you talk about your commitment to recycling—and you make that very clear; I think your words are that you are deeply committed, "our government is deeply committed to recycling"—I cannot, of course, let that comment slip by without saying that your commitment was not so deep that you would support mandatory recycling, as in my private member's bill, in spite of the fact that during the election you had committed to assuring the environmental groups that you were committed to and in support of mandatory recycling. We are disappointed that you have stepped back from your position. Some of the members of your caucus who also completed the questionnaire, as Mrs. Grier pointed out in her comments in the Legislature,



were committed to mandatory recycling and yet, when we had the vote, voted against it.

We are certainly aware of the progress of the blue box program in the province and we are certainly aware that there will be municipalities that, without some encouragement, will not want to introduce a blue box program or some other form of recycling, because they think they cannot manage to. I simply feel there are ways that smaller municipalities could be brought together and recycling could become a realistic option for them. But unless we tell them we want to do it and, as a government, you show leadership that it is necessary, then it simply will not become a reality in total around the province. I guess I just do not understand how, having said you were in favour of it, you then voted against my bill. I know, too, that you would have had full control of my bill in any case, even if it had passed.

Interjection.

**Mrs. Marland:** Well, certainly my House leader does not call the legislation into the House.

I am really concerned, obviously. What is going to happen? Where will the garbage go when the dumps are full? Recycling and reduction will help, but I think we have to be looking very realistically at every option. The funny thing is that we say we do not want the big arm of government to tell us what to do, but in terms of the environment the public is very willing to accept any solution and any leadership shown by any government.

On the subject of recycling, fortunately, the next generation will do it automatically. Our generation does not do it automatically, because it has not been part of our education and part of our concept; but now that we have it, it has to be more than just encouraged by advertising. It works in some parts of the United States where it is mandatory. It is working and the public does not object to its being mandatory.

As you know, in a number of areas we have had the problem of lead in the soil, and the ministry has been responding to that subject in the two locations in Toronto. The question I have is about the Tonolli location in my riding in the city of Mississauga. We have held some meetings on the subject in the riding. At the last meeting, the ministry staff announced that the soil would be cleaned up and would be cleaned up with a tripartnership agreement between the city, the polluter and the province.

There was a member of city council there at the meeting, Councillor Donna Lane, and she told us that at no time had the subject of cleanup been

discussed with the city council in Mississauga. My concern is that if there is not a triparty agreement to pay the costs of cleaning up the Tonolli polluted soil, who will pay for it?

What if the city of Mississauga says no? I rather anticipate that Mayor Hazel McCallion will tell us that it is the responsibility of the polluter in the province because it is environment. Certainly the ministry was probably out of line in making the announcement that that was how it was going to be done, since they have not asked city council. We feel that the people in the community do not want to be caught short in a battle of who pays for what. They want to know that soil is going to be cleaned up, that the lead problem is going to be remedied. They do not care who pays for it. It has to be done.

My question to you is very specific. If the city is not party to it, will the province and the company, Tonolli, be responsible for that work? When will it be done and when will it go ahead?

1030

I should tell you something just a little amusing about that last meeting with Tonolli because I would like you to know what is going on. I had previously hosted and chaired two meetings on that subject with help from information, speakers and presenters from your branch in Oakville.

Incidentally, you now have an exceptional young man as the—it the title is correct—manager or director of the Oakville branch, in John Budz. I have to tell you that Mr. Budz is a very capable person in that position. He has just been given that promotion. He is committed to the ministry and he is committed to the public in terms of response time. Everything has improved since John has taken over inquiries from the public through that office.

Anyway, the third meeting came and it was assumed that I would chair this meeting. For some reason, not the Oakville office but the downtown staff—I do not know whether it was communications; it does not matter, you can find out what branch it was—decided that I should not chair it because I might be a little partisan. The fact was that I had already chaired two previous meetings and after all was said and done, it was in my riding. I am the member. Actually, I just could not believe the fact that I was not going to be allowed to chair this meeting in my own riding.

So I went all the way to Gary Gallon, and I said, "I want to know who it is who says I can't chair this meeting in my riding." I was told that it was a direction from the minister himself. I said,

"Well, as long as you know that, then, I won't argue it any further." But I said: "I want to be sure that there is a direction here because at the other two meetings that I had chaired, there was no problem about my being partisan. I know those people in the community and the meetings went extremely well. Nobody got upset and unreasonable, and it is in the ministry's best interest to have the same kind of meeting again."

The extended irony of this whole thing was that they arranged for a York University professor, whose name slips my mind, to chair this meeting, and I would suppose with an honorarium attached. But you will be interested to know that chairman never showed for the meeting. So we went ahead with the meeting. The area director—I have forgotten his name and actual title—chaired the meeting.

In any case, it was not as good a meeting as the previous two. I would like to think in the future that if that is going to happen, that I be informed and that we have somebody chair it who does not chair it sitting down. You have to stand and you have to keep control of a meeting like that. It is important to your ministry and the work that we are all committed to doing. How these meetings are conducted is not something to be taken lightly. At that time, I think I was particularly disappointed.

With regard to the Ontario Waste Management Corp., I have been asking questions throughout the hearings of the standing committee on government agencies and there are a lot of questions that I have outstanding. Because of the fact that we do not have a great deal of time, I am not going to address those questions this morning. If we end up with enough time, I would like to come back and talk about Ontario Waste Management Corp., but if not, I will deal with my questions through the agencies, boards and commissions report. The hearings are not complete, so the report is not done yet.

I would like to talk very briefly about vehicle emissions. Since the province has complete control over the licensing of motor vehicle operations, I feel it is time that Ontario raised the standards for what is permissible for vehicular emissions from gasoline and diesel engines in Ontario. Obviously, we all know that the standards are better in the United States and I think it is time that this province showed the leadership and moved towards higher standards. I would hope that your staff can give us some answers about why our standards are lower than those in the United States and why we are not moving to improve those standards.

The minister will remember my other private member's bill, which was dealing with the subject of infrastructure replacement and renewal in the province. It was born from a problem within my own riding with rusty water and the fact that we have over \$50 million worth of needed infrastructure replacement in water and sewage lines alone in the region of Peel.

It is not a problem local to my riding, nor indeed to my region. It is obviously a problem throughout the province. We recognize that you did improve the commitment to cost sharing to one third. We are asking that you look again at the cost of infrastructure renewal in terms of long-term planning because, at the moment, there is not a commitment for a long-term budget.

As this province gets older these costs increase and it will cost more to do this work five or 10 years from now than it would right now. I have heard your argument that the federal government helped put those services in place originally, when the subdivisions and the homes were built, and that they should come on stream to help again with the replacement. The fact remains that if they do not, the alternative will be too great a burden for the local taxpayer. The local taxpayer, through property taxes, cannot afford to face that tremendous cost.

When we are talking here, today, about the spending of this ministry, my concern, and I hate to say this, is you have to get more staff in order to deal with the greatest problem before us and that is the problem of waste management in this province. If we do not manage our waste better, everything else we do towards the protection of the environment is going to be lost.

We must do something to speed up the environmental assessment process, not shorten it in terms of the quality and the depth. I want to be very clear about this because I have heard you so many times in the House say, "But Mrs. Marland, you are always asking us to speed up, get land sites approved, and you are not interested in protecting the environment." I always find that you say that in reply to my supplementary questions, which is rather unfair because you know as well as I do that I am certainly as committed to the environment as you are.

#### 1040

The public today is willing to hear a politician stand on the public platform and say that there is a real cost to protecting our environment. The public today is willing to say, "Yes, we know that and we are willing to pay, and if it means that



we save the cost down the road of not providing remedies for the existing situations that we have around this province that are causing us problems today, if we are not willing to do that, then the cost two years, three years, five years from now is going to be that much greater."

I have also heard you say that of course you inherited this mess. Well, we are dealing with today and I am not about to discuss how much of the mess you inherited. I also accept that, fortunately, we are further ahead today in a lot of things than we were five, 10, 20, 30 years ago.

We do not have horses and buggies today and oil lamps. We are a forward-thinking people in all levels of government and we are where we are because we have made advances in all kinds of sciences. Certainly, the science of the protection and preservation of our environment is somewhere today that it was not even 10 years ago. Because we are where we are today, I think it is terribly important that you and your staff take some very strong decisions about emplacing the remedies for existing landfill sites that are a problem, for ensuring that existing polluters are not allowed to continue.

Just speaking about polluters, of course we come back to where we are going with Ontario Hydro by 1994. One of the things that the select committee on the environment asked for, and the government members on that committee voted in support of this resolution too, was that Ontario Hydro would report back—it seems to me that it was in December 1987. What year was it we had those hearings?

**Mrs. Grier:** We had the hearings in 1987.

**Mrs. Marland:** Okay. Well, then we were to have a report back by December 1987 from Ontario Hydro as to how it was going to meet its emission requirements by 1994, in detail; a detailed plan about how it could do it and at the same time meet the increased load demand, knowing full well that it would again have to fire up many of its coal-fired thermal units.

What we were saying, was, if that is in the plan—that Hydro has to use those coal-fired thermal units—then we want to ensure that there is some kind of protection for those units in terms of their emissions, whether it is injection or different types of scrubbers, whatever. We know it takes two or three years to get those kinds of methods approved, constructed and in place.

All we are saying is that in another month we will be in 1989. We are talking about five years away from those emission guidelines being met. How is Hydro going to do it? We have yet to see its report in detail about how it is going to do it.

When we can have the benefit of the sciences to bring us where we are today with the environment, I think that the obligation is on all of us. I say "all of us" meaning taxpayers as well, the hydro consumers, those of us who benefit from the 20th century technology and have the convenience of electricity also want to leave an environment for our great-grandchildren and their children to follow.

If it means we have to pay more for electricity because we have these protection devices in the production of electricity, then it is time that a notice went out in the hydro bills saying to the public of Ontario, "Would you be willing to pay five per cent more for your electricity and have the environment protected?"

I said to Mr. Campbell when he was here before the select committee on the environment, "Have you ever thought of doing in your billing mail a questionnaire with two straight questions, 'Would you be willing to pay more if we guaranteed that that additional percentage on your hydro costs was solely channelled towards environmental protection?'"

He said it was a good idea. He said their board had never considered doing it. I think it would be a great idea, Mr. Minister, if you could give some direction and leadership to Ontario Hydro to follow through with a suggestion like that but, more importantly, we need to have their report about how they are going to do it, especially with the coal-fired units, if they are not going to have scrubbers or other form of clean-air operation.

When we look at where we are going with the waste management crisis and to finish what I started just a few minutes ago—I recognize how much time I have taken—

**Hon. Mr. Bradley:** Never worry.

**Mrs. Marland:** What did he say?

**Hon. Mr. Bradley:** I said "Never worry" about that. With the time I take to answer your questions in the House, you should never be apologetic about the time you take to ask questions in committee.

**Mrs. Marland:** That is right.

**Hon. Mr. Bradley:** I would like to have a comprehensive answer for you and I would like to have a comprehensive question.

**Mrs. Marland:** I want it very clear that the Progressive Conservative caucus is not suggesting that the environment be at risk through a shortcut of the environmental assessment process. But we are also saying, very loud and very clear in our party in Ontario, that landfill sites must be established, and mandatory recycling

must be established. The waste management crises is the one crisis that is going to ultimately be the greatest challenge in terms of the environment in Ontario, because we know where we have poor sites. We know where we have the leaking and all those problems.

There is a remedy for it. There is a cost to it and we are willing to pay it. We also recognize that the environmental assessment process, because it takes so long once the draft application documents are filed with the ministry to get the responses from the ministry out again, for the applicant to review them and comply or reapply or make whatever changes, that by the time they get around to the final emplacement of a facility, which has not happened in the last three years, every piece of cost has gone up. The land costs, the construction costs, the equipment costs and staff, every single thing has gone up in price.

In the long run, it would be cheaper for us to agree that you hire more staff in your environmental assessment branch and I will stand and defend the cost of staff—if that is the staff you hire for just that purpose—because it is my understanding that you have something like two or three people, I have the list of staff here, who are responsible for looking over those applications. I am told that is why it takes six to eight months to get the responses from the branch back out again; certainly that was the experience of Peel.

If there is going to be a solution to the waste management crisis, the environmental assessment process has to be expedited—not short cut, but expedited, so that we have two things. We get on with the management of waste and we ensure the protection of the environment.

In fairness to my colleagues on the committee, I think I will stop at this point and have an opportunity later to ask more questions.

**1050**

**Mr. Chairman:** Thank you very much. As indicated earlier, the standing orders indicate that at this point the minister should respond to both the critics' presentations. I think the minister was partway through responding to the official opposition critic last day, but I will recognize the minister now for his presentation.

**Hon. Mr. Bradley:** I must say I find this process very productive, because it allows elaboration without eating into other time that people are interested in. On the other hand, I want to ensure that there is sufficient time to have questions directed to and answered by members of the staff of the the Ministry of the Environment, so one of the things I look at, and I think I perhaps touched on this last time, is that the

opposition critics and other members of the Legislature who are here get an opportunity to ask questions of me in the House. They do not, unless they phone directly, get an opportunity to get some direct information from officials of the Ministry of the Environment, who are, of course, public servants who should be and are available to all members of the Legislature. I will make sure that both of those opportunities are available, but I, as the minister, will respond to some of them.

I was in the process of answering some of the questions and comments of the member for Etobicoke-Lakeshore last day. I will go through some of these that staff have provided me with some information on that I can relay to you. I may elaborate on that, if it is necessary; if it is not, I will not.

There was a question asked by Mrs. Grier about the electoral commitment for industrial reduction, reuse, recycling and recovery enrichment being \$2 million. Her question was, why is the total budget only \$2.3 million?

The Ministry of the Environment's 1987-88 industrial 4Rs budget was \$900,000. The electoral commitment was for a \$2-million increase over five years. This amounts to an incremental increase of \$400,000 per year. For the 1988-89 estimates, the industrial 4Rs program was increased to \$1.3 million to meet the commitment. As well, there has been an additional in-year reallocation of \$1.2 million to the industrial 4Rs, because of a high level of demand from industries for such assistance. The total 1988-89 budget for industrial 4Rs is thus \$2.5 million.

I elaborate only very briefly on that to say that one of the things I have tried to do when a program is particularly effective and popular—popular not in a sense of glamorous or anything like that, but popular in that people are prepared to latch on to it to do good environmental things—very often in-year I will try to allocate more money to that specific program.

In this case I was somewhat surprised, and pleasantly surprised, by the very positive response in this regard, and I did not want to discourage those industries who were prepared to take advantage of the program, to be innovative and to bring forward some new initiatives in terms of the 4Rs. That is why, in-year, I brought about another \$1.2 million to the industrial 4Rs. That is a very high level of demand.

I expect that will continue. A lot of these are high-risk things that industries are not going to do, are reluctant to do right offhand. With some



government assistance they have been prepared to do it, and what happens is that that experience can be drawn upon by others. The Ministry of the Environment learns of it and, of course, at our technology transfer conference we often get reports on how successful this has been.

It certainly is in keeping, I think, with the views expressed by both opposition critics and by me that recycling is exceedingly important, not just at the curbside for residential purposes but beyond that.

The question was also asked about the costs of the municipal-industrial strategy for abatement to the Ministry of the Environment now and in the future. The cabinet has, to date, allocated \$12,625,800 in new spending for MISA. This includes 167 staff, and the future-year requirements beginning in 1989-90 have been identified to implement abatement programs and to develop sewer controls. Staff reallocations to the MISA program have been minimal. Approximately nine staff were reassigned in the water resources area. When you re-emphasize or put an emphasis on a new program such as MISA, which is often more comprehensive and detailed, more effective than another program, there are people who can come to that program from other areas where this would be duplicating perhaps what was already being done or this would be in addition to what is already being done.

You asked what MISA will cost industry and municipalities. Monitoring costs are expected to be on the order of \$100 million for the nine industrial sectors for a 12-month period commencing with the promulgation of the monitoring regulations. Similarly, monitoring costs for the municipal sector are expected to be on the order \$30 million. Estimated costs of the abatement measures that will be required as a result of MISA are not available yet. These cost estimates will be available once contaminants in industrial effluents have been characterized as a result of the monitoring regulations and once the best available technology economically achievable for each sector has been determined.

While it is easier to identify the monitoring costs, until such time as you are able to see just what chemicals are chemicals of concern in specific industries or for specific municipalities, it is difficult to put a precise figure on the cost. It will be substantial. As the member for Mississauga South (Mrs. Marland) has said, there is a commitment, I believe, on the part of the population at large to see those kinds of environmental expenditures if it can be proven that they are going to be beneficial.

**Mrs. Grier:** Could I have a supplementary on that, Mr. Chairman? The quote I had asked the minister to explain related primarily to the sewer use control program. Of the \$12 million in new spending, I would be interested in knowing how much of that is attributable to the sewer discharge control program and why, if in fact it is new money, the statement was made in the review to the effect that the costs will be absorbed through internal reallocation.

**Hon. Mr. Bradley:** Okay. I will get that information for you.

To continue on, what is the total spending and timetable for remedial action plans? By March 31, 1989, nine of 17 Ontario RAPs are expected to have stage 1 reports—that is, the definition of environmental conditions, impaired uses and pollution sources. All RAPs are scheduled for completion by the end of 1990. The budget for RAPs for 1988-89 was \$2 million.

Remedial action plans for Great Lakes areas of concern: You asked about identifying the areas of concern. Lake Superior has Thunder Bay, Nipigon Bay, Jackfish Bay and the Peninsula Harbour. Lake Huron has the Spanish River, Severn sound, Collingwood harbour. Lake Erie has Wheatley harbour. Lake Ontario has Hamilton Harbour, the Toronto waterfront, Port Hope and the Bay of Quinte. In terms of the connecting channels, St. Marys River, St. Clair River, Detroit River, Niagara River, St. Lawrence River.

Each RAP is to include: (1) a definition of the problem and extent of the area affected; (2) an identification of uses impaired; (3) a description of causes of problems and pollution sources; (4) remedial measures proposed; (5) public consultation; (6) the schedule for implementation and completion of remedial measures; (7) identification of agencies responsible for remedial measures; (8) process for monitoring implementation, and (9) surveillance and monitoring program to confirm the restoration of uses, which I think is most important to have ongoing, because a lot of—I will not say allegations—suggestions can be made that a problem is solved, and without the surveillance and monitoring program to confirm that, some people would say it is just speculation and others would say a good guess. That was essential.

#### 1100

A provincial-federal remedial action plan steering committee plus 17 RAP teams were set up in May 1986 by the Ministry of the Environment, assisted by Environment Canada, to develop the RAPs. The Ministry of the



Environment has provided enhanced funding for RAP development. For example, of approximately \$2 million for 1988-89, \$850,000 is dedicated to public involvement. I know that all of us are concerned that the public have that kind of direct ability to participate. Environment Canada has committed \$600,000 for 1988-89.

The public consultation programs are now under way for all 17 RAPs. Ontario is working jointly with the state of Michigan to develop binational RAPs for the St. Marys, St. Clair and Detroit rivers. This action stems from the Ontario-Michigan letter of intent on shared areas of concern, signed by the Premier (Mr. Peterson) and the governor of Michigan.

Agreement has been reached with the state of New York and the United States Environmental Protection Agency to prepare joint statements of remediation problems and goals for the St. Lawrence River RAP. Public involvement programs will proceed independently but with ongoing agency consultation in New York and Ontario.

If you ask me what is superior in terms of dealing with joint RAPs, the mode of operation I would prefer is the Michigan-Ontario mode of operation. While there is consultation between New York state and Ontario, as I say, the public involvement programs will proceed independently. We put the case too, and I think supported by Environment Canada, that in fact it would be wise to do a joint one, as we are doing with Michigan. The choice in New York state was not to do so, despite repeated suggestions to them. It is not that there is no commitment; they had a different viewpoint on this. Michigan did not have that viewpoint. Frankly, if you ask me, I prefer the Michigan viewpoint.

I have met with my counterparts, you will be interested to know, in both of those jurisdictions, and I have found them to be positive. What we are trying to do as well—and I am getting a little way away from RAPs, but I was thinking of it at the time—is trying to co-ordinate our activities as much as possible, because I get the same old song and dance as I am sure they get. That is, people come to them and say: “Well, you know, it is Ontario. If we went to Ontario, we could do this, this and this.” Then they come to me and say, “If we went to Michigan, we could do this, this and this.” By attempting at least to co-ordinate our information, they cannot bluff us from both sides. I think the idea of creating pollution havens is starting to diminish because of that kind of co-operation and because I think the public is keeping an eye on governments on both sides, on

us on our side and on the states on the other side, as well as the federal agencies.

Hamilton harbour RAP:

Hamilton harbour has been identified. The member for Hamilton Mountain (Mr. Charlton) is here at the present time; he will be interested in this as well. He was also the critic at one time. That has been an area of great concern for some period of time, because it is an industrial basin. The Hamilton harbour RAP is the most advanced of the 17 RAPs. Remedial options are currently under review by all stakeholders, including federal, provincial and municipal governments and industries. A RAP with preferred options is expected in early 1989.

Extensive technical investigations by all levels of government have been completed and are ongoing. The steel industry and local municipalities are implementing water pollution control measures on the harbour. It does not mention Windermere basin, but Windermere basin is also a matter of cleanup at the present time.

You will remember that I had a delegation come to me from Hamilton. They said they had been four times to the Ministry of the Environment and the door was not open to funding. I remember it must have been about 15 minutes that they were in, and I said, “How much do you need for this?” They said \$1.25 million. I said: “Well, fine. You’ve got \$1.25 million.” The local authorities have put that forward. The federal government has now come on side, so I think this is the kind of model that is very useful to us. It is the kind of model that I advance nationally when I am at meetings of Environment ministers. We have the participation of three levels of government and sometimes some local agencies as well.

Windermere basin, as all of us know, is a very contaminated basin. I think the remedial action plan there will be very beneficial. Hamilton harbour is a natural beauty spot, as far as I am concerned. It could be; it has the potential. There have been some improvements, but we think there is a long way to go yet in terms of those improvements, particularly on the industrial side. I think that Hamilton has so much potential as a major community in Ontario. You know what they have done with their downtown and how they are changing the image of the city to incorporate a broader cross-section of industries and developments for their new city.

Certainly they are excited about the possibility of waterfront activities that are compatible with the environment and that are at the same time economically desirable. So many communities

around the world have utilized their waterfront areas to great advantage. We always have to be careful, as the member for Etobicoke-Lakeshore will justifiably tell me, when looking at the landfilling that does take place sometimes to go with that. Let me go to Toronto, because I think we will be interested—

**Mr. Charlton:** There have been some problems with other waterfront activities as well.

**Hon. Mr. Bradley:** I understand that.

Metropolitan Toronto RAP—I think you will be interested in that; you asked about that:

The public workshop on Water Use Goals and Remedial Options was held on October 28 and 29, and a broad range of local interest groups were in attendance, with approximately 100 attendees. The city's RAP goals will be used as a basis for discussion. I commend those on that RAP committee for taking the initiative and perhaps being ahead of others in the province.

The key issues include the remediation of beach closures, the influence of watershed runoff and storm sewer effluent, protection of drinking water and the influence of sewage-treatment plant effluent. The RAP activities are being co-ordinated with other ongoing regional activities, such as the Toronto area watershed management study and the Metro Toronto waterfront water quality improvement program. They all have their suitable acronyms there, but I will not get into those. I can get into the Bay of Quinte, Thunder Bay and so on, but I do not want to dwell too long on that.

**Mrs. Grier:** I think I am interested in knowing which of the nine of the 17 you mentioned will have stage 1 reports by March 31, 1989. A list of those nine would be helpful.

**Hon. Mr. Bradley:** I would be happy to get that for you.

**Mrs. Grier:** Thank you.

**Hon. Mr. Bradley:** You asked about the ministry's enforcement staff. As you know, the Premier made a number of commitments in the environmental field that would be implemented over the term of office of the government.

The enforcement staff will be doubled as follows. The specific investigation enforcement branch, in 1988-89, will have a total staff of 33, with a future adding of 30, which will bring that up to 63.

The regional abatement staff consisted of nine in 1988-89. The abatement people must provide the support services to the actual environmental cops, if you want to call them that. There will be

a future nine for those specific purposes, for a total of 18.

In the legal services branch there were two specifically for this in 1988-89. We will add five in the future, for a total of seven.

Finally, the specialists in scientific support consisted of six in 1988-89. That is where we put them up front, and those six will be the ones who will be required in terms of corporate support. There is one now and one in the future for two. So it goes to 96 members of the staff when we have the full implementation of that.

But the member of Etobicoke-Lakeshore did identify something that was quite perceptive. It is not simply a matter of hiring environmental policemen or policewomen. You must also supply the support staff, the people who will do some of the scientific support work, for instance. There are the legal people themselves, who actually will look at the cases and say: "Is this prosecutable? Is there a justification for a further investigation and prosecution and, of course, the actual prosecuting taking place?" There is the specialist scientific support right back at the ministry here in Toronto—in our labs, for instance. All of these are necessary components.

One of the things very beneficial to Ontario, and other jurisdictions would be wise to follow suit—and I know in some areas we are better off than others and in some we are not. I do not sit here and say, "We're the best in everything in the world," but I look at saying that we have identified areas where we are doing, I believe, a good job. Others are coming to see what we are doing. In investigations and enforcement, they are.

## 1110

Look at some other jurisdictions; look at their penalties and look at their bravado. When it comes down to it, they do not enforce them. It is hard to enforce. It is like the police force you have in any community. They catch only so many of the crooks and violators out there. If you have a good specialized staff such as we have, we increase the chances of those people getting caught. We have increased the prosecutions by about 400 per cent and convictions by 300 per cent. That has been, I think, very beneficial over the past few years. What is more important than that is the deterrent message it sends out there.

People will say, "Don't you want to line up all these people and throw them in jail?" I guess the preferable option, obviously, is not to do that but to have laws that we have on the books now that our Legislature passed in December 1986 and the enforcement capability to carry those laws out. I



think the way we have decided to go with the specialized branch, I guess we would call it, of the ministry is the way to go. Other jurisdictions are now coming to see what we are doing in Ontario in terms of that. Quebec, for instance, has been consulting with us for some period of time because it likes the idea of a specific investigations and enforcement branch for those purposes.

**Mrs. Grier:** Before you leave legal services, could you make some comment on the time frame? Has this enhanced staff? You did not say how many new legal specialists there were. You said legal enforcement. Does that mean lawyers? What is the legal complement at this point? What has that done to the time frame between laying a charge and actually getting to court? Have you been able to contract that at all?

**Hon. Mr. Bradley:** We will take notes on that and come back with that information. One would presume so, but I would like to see whether that in fact has been the case.

You asked about coal tar sites in Ontario. I do not want to repeat this. I think I remember telling you about how one of my former students phoned me up and told me how to find these. It was interesting how simple it was, actually, to find some of these sites. About 18 months ago, we released a study where we found 41 coal tar deposit sites. I have that right now for the two critics. At least I have copies for the two critics, if the others in the committee will forgive me.

This is something that was released, say, 18 months ago. We compiled these 41 sites. They have been well publicized. They are known in their communities and so on. These were associated with former municipal gas plants. We plan to release a similar study of industrial coal tar sites before this year is out—in fact, I expect that pretty soon. That will be in addition to this.

What the ministry does is look at the sites and say, "Well, okay, let's do an evaluation." Or we hire consultants and say: "Let's identify them. Let's say where they are." Where they are is going to determine what remedial action might have to be taken and how are they to be disrupted. One of the reasons we got into this was that people started to dig and find them. That is why we go into a program saying, "We should look for all of these."

A lot of people forgot about the old gasification plants. Some of the help even came from oldtimers, by the way. In a lot of these things, you think people will ask, "How will the general public contribute?" A lot of people who simply have good memories of what went where in years

gone by, I will tell you, have been very beneficial over the years in sharing information with us.

I have a long list. I am not going to read them out to you because you can read that list. It would just waste your time in the committee, and we do not want to do that. Let me see what else we have. Mrs. Grier always likes this. What will I go to next that I am not going to waste your time on? "Why not just draft legislation instead of conducting an environmental assessment review?" I am trying to remember what that was in the context of.

**Mrs. Grier:** I think I extolled the virtues of the Attorney General (Mr. Scott) for his handling of the intervener funding for the project and hoped that you might emulate him.

**Hon. Mr. Bradley:** The phase 1 report describing short-term legislation improvements is being prepared. It will lead to draft legislation, I think, in early 1990. The proposals must have the benefit of review and comment by public proponents, including other government ministries. Incorporation of a public review is consistent with the Ministry of the Environment's procedures and approach to policy changes, and the procedures being followed are fostering an awareness and improvement of our understanding of environmental assessment.

What I want to elaborate on there is that again, in some cases we get back to a misunderstanding of environmental assessment. Environmental assessment has had a bad rap from some quarters. Part of it, as the member for Mississauga South has said, is because of the length of time it often takes to go through the environmental assessment process, and part of it is because of the costs that are incurred going through that process. We hope the environmental assessment program improvement project will identify those concerns and overcome them.

But all of the activities do not have to await this. There may be some that become readily apparent. I have met with regional chairmen, for instance, who have had a concern about this, and our committee had considered a liaison with them. They are largely related to waste management projects, as you might suspect. That is where they have a specific level of responsibility.

Part of it is only in the Ministry of the Environment. We have to remember it is not only that ministry that comments upon environmental assessment. When I was answering a question from the member for Hamilton Mountain yesterday in the House regarding a site he was mentioning, I said that a number of other ministries comment. Often it has to go through



several agencies of the provincial government, and I think the feds sometimes comment and outside agencies comment.

Even if we were very quick in our own comments, it is the others as well who must comment. The Ministry of Natural Resources, for instance, if you look at waste management, very often would have to comment in that area. The Ministry of Municipal Affairs may have something to say, as may the Ministry of Culture and Communications on some occasions, in terms of archaeological finds and so on. There are a number of people who review it.

Part of the answer is staffing. In the case of Dufferin-Peel, I indicated that we would put dedicated staff to assist Dufferin-Peel. I thought it was a positive meeting.

**Mrs. Marland:** One of the most critical areas right now is the Ontario Waste Management Corp.'s submission to your ministry. If you are willing to put dedicated staff on Peel, I really have to ask you because that is one on which Dr. Chant sat here and said to the agencies, boards and commissions committee, "Of course, now we are into the environmental assessment branch, and that is going to be six to nine months." My goodness, that is the government's panacea. Let's face it, that is going to be the solution to everything, seven years and \$70 million later.

Would you be willing to dedicate staff to get at least the government project turnaround time—and I hear what you are saying about other ministries, but we will deal with the other ministries if we could get a commitment from you.

**Hon. Mr. Bradley:** As I say, we certainly are prepared to move forward there. We face the old dilemma that all governments must face. Our Ministry of the Environment has added a tremendous number of staff. The government of Ontario, to meet what the government sees as some genuine needs out there, has added very significant numbers of staff across the government.

**Mrs. Marland:** But would you agree that OWMC should be treated differently?

**Hon. Mr. Bradley:** I think it is an important one. The review will be as expeditious as possible, as you want it to be as well, as careful as possible. I do not think that will be a problem for Dr. Chant or the OWMC. The government review of it will be timely and very extensive.

What I look at overall, because you advocate adding staff—every minister advocates tremendous increases in staff. The Treasurer (Mr. R. F.

Nixon) and the Chairman of Management Board (Mr. Elston) sit there and listen to everybody coming in. Individually, each person is making a good case. Justifiably, your Finance critic and your leader get up in the House and talk about the level of expenditures of the government, that they have increased rather significantly, and they have. They look at the staffing and say the staffing of the government of Ontario has increased very significantly, and they are correct when they say that. They are concerned about the deficit, which they should be, and they are concerned if the government advocates tax increases and we have, as a government, added tax increases.

#### 1120

The problem is balancing all that out. The Minister of Health (Mrs. Caplan) is answering questions in the House almost on a daily basis: "Why don't you have more staff for this? Why don't you address this problem? Why don't you address that?" So the pressures are tremendous to spend more money in virtually every ministry.

I am biased. Probably those of us sitting around here are biased. We would love to see it spent in the Ministry of the Environment. We would like to see the staff added there, but there are other requirements within government as well. All of us are attempting to meet the needs with increased staff without bankrupting the province of Ontario or adding substantially to the tax burden or, as I say, putting a spread in the deficit in relatively good economic times.

We feel it is an area of importance. I think it is an identified area of concern. I know municipalities believe that to be the case. With the Ontario Waste Management Corp., I think it is essential. You mentioned how long this process has gone on since Premier Davis established it and they finally found a proposed site and a proposed facility. We will want to go through the process efficiently, but still very extensively.

This is a little more on the environmental assessment program improvement project for Mrs. Grier's question. To date, 54 formal submissions have been received from interest groups, individuals, consultants and provincial government agencies on the introductory paper. The EAPIP newsletter and summary of the regional public consultation results were forwarded to approximately 3,000 recipients on the EAPIP mailing list. Their responses are being reviewed. The responses will be incorporated into a final discussion paper scheduled for late 1989.

The phase 1 legislative reforms have been forwarded to the legal services branch for legal drafting of amendments, and improvements will be proposed in a two-step process: short-term reforms in 1989 and longer-range improvements in 1990.

Again, that gets back to my wish not to wait for ever for things to happen; but where we can make some quick improvements to it which we all think are necessary and which would likely not be very contentious, we can do that. The longer-term fundamental reforms require more time, more assessment and probably more debate. For instance, in the House, you would want to look with a great deal of scrutiny at some of the things that might be proposed.

When will we see regulation 308? Both of the critics have asked this question. Our goal with regulation 308 was the discussion paper we had in November 1987; the draft regulation in the spring of 1989; public review of that draft regulation in the summer of 1989; revised draft to the legislative counsel in early 1990, and the revised regulation in the spring of 1990.

To get back to the consultation process, this is a dilemma for me.

**Mrs. Marland:** The spring of 1990?

**Hon. Mr. Bradley:** That is for the final regulation. What happens is this: If we do not consult, we get nailed to the wall for not consulting. The great ones at this are municipalities. The industries are bad too, but the municipalities—at every meeting of the Association of Municipalities of Ontario I go to with the new president of AMO and other people there from AMO, the Ministry of the Environment is the target. “Why don’t you consult? Why don’t you allow us to review this longer?” Industries are the same. Environment groups are often the same as well.

What we want is the best possible regulation. I wish sometimes you could say, “Let’s cut out all the public participation and then we can get all this done.” That is not satisfactory. Unfortunately, it takes a longer period of time than I would ever like things to take.

**Mrs. Marland:** It is hard not to interject, if you do not mind.

**Hon. Mr. Bradley:** Please do.

**Mrs. Marland:** I realize you are responding to us, but just on that point, you are now talking about two years after the close-out time for public comment.

**Hon. Mr. Bradley:** You have a major regulation affecting municipalities and indus-

tries. We had a discussion paper put out first of all; that is the first step to take, the discussion paper to see the direction we should go in. As a result of that and the response of the public, we develop a draft regulation. Of course, the response takes place and we develop a draft regulation after the response to the discussion paper. Then there must be—

**Mrs. Grier:** Sorry, when was the discussion paper again? Was it last spring?

**Hon. Mr. Bradley:** The discussion paper was November 1987. That is when it was put out.

**Mrs. Grier:** And the response was not until April.

**Hon. Mr. Bradley:** Until April. We go through each of the submissions that is made in detail with our scientific, our technical and our legal people to determine its viability. Dr. David Balsillie will add to this in a moment.

The draft regulation is then developed from that. The public review, and that is in the spring of 1989, which is only a few months away now—

**Mrs. Grier:** Can we just ask why it is going to take a year, from the response of April 1988 to the spring of 1988, for a draft regulation?

**Hon. Mr. Bradley:** Because we must, first of all, respond to those people. They expect and will get a response from the Ministry of the Environment to the submissions that they have made. As a result of that, we make alterations to our plans and thoughts and develop from that a draft regulation.

The draft regulation then goes out for public review, because people want that second stage. They do not want to say, “Well, you listen to us once and then you just do as you please.” When you put out a draft regulation, then they want to comment on that. Then it goes to the legislative counsel, who tells you how you must write this to make it legal and within the statutes of Ontario. You get a revised regulation from that.

But I will ask Dr. David Balsillie, who is the assistant deputy minister, environmental services, to comment on this procedure.

**Dr. Balsillie:** The discussion paper which was released in November 1987 by the minister at the Technology Transfer Conference actually went out for review, starting January 1 through to the end of April. We also, as Mrs. Marland has mentioned, carried out a number of meetings across the province, over 20 meetings, to talk to all and sundry, the public interest groups and anyone in the municipalities who might be impacted on by the impending regulation.



What happened was that at the end of April we found ourselves without substantive comment from the people across this province because of the magnitude of the changes we were suggesting. In actual fact, many of the industries and interest groups that we knew were undertaking extensive review of the information in the discussion paper did not submit their final comments by the end of April. They contacted us and said, "We are now reviewing this document and we want more time," because of the large number of changes and because of the complexity of the report as it existed. In fact, the actual final comments we received were not all in until after the end of the summer.

We had over 1,000 pages of detailed technical comments on this discussion paper. I am not sure whether you have looked at it in any detail, but there are suggestions for changes to the modelling, dispersion modelling from the emission points, and those are very significant changes.

We supplied to anyone who wanted them diskettes for personal computers so that they could actually input their own data into their own computers and see the impact on their own emissions which new standards would make, based on the changes to the computer modelling. So the detailed nature of the comments which were received was not related to the policy aspects or other things; it was related in detail to the various components of the discussion paper.

The thousand pages then had to be gone through, separated out, segregated into components and then into detailed responses developed for each of those areas. We now have, in-house, a document of a hundred and some odd pages which summarizes the 1,000 pages of comments and which presents our possible position on these items. We are reviewing that abstract and, once we have agreement in-house with regard to the positions to be taken, the draft regulation will be prepared.

1130

One of the major points made by the people who wrote to us was that they would like to have an opportunity to comment once again on the draft regulation. They do not want to see a final regulation come out immediately because they would not then know how well their comments have been taken into consideration in the draft regulation. It is now November 1988. We feel that we can draft the regulation in early 1989, go through the release process and have it available to all and sundry for the spring of 1989, put it out for the full comment period in the summer and

then make any changes and amendments. We think this is a realistic time frame.

As I believe you are aware, there have been instances where we have put what may have been unrealistic time frames on some of the items which we have put out for review and comment and which we now want to get back. We find that the people beyond our doors cannot respond with the same sort of haste which we think they might be able to. We think that the spring of 1990, although it may be longer than we wanted at the outset, and though it is certainly longer than you wanted at the outset, is perhaps a realistic target which we can hit after having fully consulted with all the people out there. We will then have a regulation which everybody has bought into and we will not end up in court with a challenge to that regulation in terms of whether we can enforce it or not.

**Mr. Chairman:** Does either of the critics have further questions of Dr. Balsillie?

**Mrs. Grier:** Disappointment. No further comments.

**Hon. Mr. Bradley:** I will continue.

**Mr. Chairman:** Could I interject for just a moment—not with respect to yourself, Dr. Balsillie, thank you very much for your input; with respect to the timing this morning. We are at 11:35 a.m. and the committee should recognize the fact that the House is sitting. We could be called to a vote any time after 11:45 a.m. I propose to adjourn immediately when the bells begin to ring, if they do in fact ring; otherwise, we will adjourn promptly at 12 noon. It would be helpful, going into this afternoon's session, to get going within 10 minutes of routine proceedings being finished in the House. The way things are working, if we do that, we will have a nice solid chunk of about two hours to finish off these estimates next Thursday.

It would help the next ministry with their estimates if we did make an effort to keep to that time line. If there are specific items in the votes beyond 1501 which people want to spend time on, I would like to be informed. In order to save time in committee it would be helpful if the critics, in particular, would indicate to me those items before this afternoon's session, so we could come to sort of an agreement right at the beginning of the session. What I would like to do there is go with the timing we agree upon and have the vote for that vote or item immediately at the end of the discussion. That way, if there is time left over, we could leave it for 1501 and finish up all the other votes at the end of the eight hours as a group. This is sort of the way I would



like to go at it with the concurrence of the committee. Would the minister like to continue please?

**Hon. Mr. Bradley:** Yes, I will continue. Just a bit of a general comment, because the other members of the committee would not probably hear this except once in a while indirectly when they get a copy of a letter or something. One of the greatest criticisms directed at us as the Ministry of the Environment is that we never give anybody enough time for consultation. That is a dilemma that I face, because I am impatient.

I think those of us who sit in this committee are impatient—I mentioned already the municipalities, and a lot of us served on municipalities—are invariably annoyed with the short comment period that they have on anything and want much longer. The industries almost always say, "Well, you know, you simply don't understand that what you are putting out is highly technical or extremely comprehensive. We have to take our resources and address them to your proposals," and so on, down the line.

As a result, the time frames needed for consultation to get things done right are longer than I ever want and shorter than anybody else seems to want, except those of us who sit in this committee or perhaps sit in the House. If I had a dollar for every time I get criticism from people we are regulating because of how quickly we are moving the regulations into place, I would be a rich man right now.

You asked about the regulation on apartment incinerators. That has been done. That has been brought about. Regulation effectively banning apartment incinerators as of May 31, 1989 was filed June 1988. Apartment incinerators simply do not meet any regulations. We did a test on them and 11 out of 11 flunked the test. There is just no way you can continue to allow them.

Setting aside the most important thing, which is the chemical emissions that were coming out of them, the soot coming out of them brought constant complaints from neighbourhoods. The smell and the opacity were a problem. There were constant complaints to local municipalities which had them, to those who served at the local level.

One of the things they said to us when we proposed this was: "You know, that is going to knock apartments out. We are going to have to knock an apartment out of every building to do this." I was not convinced that was the case. Some said, "Look, municipalities are not going to be very co-operative with us." In fact, I do not

think those things have happened, the horror stories that people mentioned.

**Mrs. Marland:** What do they mean, knock an apartment out?

**Hon. Mr. Bradley:** Knock a unit out to put in a compacter.

**Mrs. Marland:** Oh, a unit.

**Hon. Mr. Bradley:** An apartment, a specific unit. Some people said that to us. They said: "There is a housing shortage in Metropolitan Toronto, for instance. Do you really want to do this?" I anticipated that was going to happen, but I think they can overcome that problem. I think there is recycling, when we get it going into apartments. Guelph has a pilot program. I think the full implementation into apartments will be helpful in terms of their waste management, but they were just not satisfactory. They could never reach what we would require of them.

As you know, for instance, in garbage incinerators now, we require de facto the best available technology. Detroit is building theirs with what you call an electrostatic precipitator. Electrostatic precipitators are pretty good, but we think the scrubber baghouse technology is better. So when one is built in Ontario now, we automatically require scrubber baghouse technology.

These people running apartment building incinerators, I am going to tell you, are not ever going to be able to meet that. The effect of the ban in that there will not be any apartment incinerators.

What other things can I do here that will not take you up?

**Mrs. Marland:** I have one little tip for recycling in apartment buildings. It is so simple that I do not know why we are not doing it. It is simply colour-coded bags. Why not have blue plastic bags for people in apartments that they can just carry down with their recyclable items?

**Hon. Mr. Bradley:** I think it is not the challenge everybody thinks it is. There are two arguments against it. They said, "Physically it is not possible," and it is. Where there is a will, you are going to do it. Second, the opponents said, "People in apartments won't want to recycle," as though people living in apartments are different from other people. The interesting thing about the Guelph experiment, as I recall, is that the participation rate in their program is, in fact, higher. So it threw that myth out the window right away.

Beyond the blue box program, did you want to add something, though, Mrs. Grier, right now?

**Mrs. Grier:** No. Before we end up with generalities, I am hoping you will—

**Hon. Mr. Bradley:** Okay, you are going to put me back in focus, good. "What direction beyond the blue box program?" was asked. The ministry intends to expand the types of materials that can be recycled through the blue boxes, for example, plastics. The ministry also intends to expand the areas provided with recycling services, that is, extending into apartment buildings, as I have mentioned. There are also plans to set up depot systems for rural areas.

1140

Beyond these initiatives, the ministry intends to reduce the waste destined for landfill by 50 per cent through the other three of the 4Rs; recovery, reuse and reduction, for both municipal and industrial sectors.

I am very enthusiastic about composting; there may be something in here on composting. Composting, for instance, is something about which everybody says, "Well, that's for farmers and it's not going to work." In fact, it does work. A lot of people have them now.

I was asked to explain the rationale and meaning of the 4Rs of waste management—waste reduction, reuse, recycling, recovery—particularly the fourth R, recovery, because Mrs. Grier mentioned she was not that enthusiastic about recovery; certainly my priority is in recycling. The 4Rs of waste management encompass alternative strategies of waste disposal which can be applied to nonhazardous, solid, liquid and hazardous waste from municipal, commercial and industrial sources.

Reduction means the generation of less waste, obviously, as a result of actions by the generators—these are citizens, businesses and industries—to change habits giving rise to waste.

Reuse we define as meaning action to use the waste in its original form for the same or a different purpose—for example, refillable bottles and hardwood pellets.

Recycling means a separation at source by the generator of waste into material fractions which can be used when collected from the generator directly as a raw material; for example, steel cans as scrap, waste newspaper as paper fibre.

Recovery means the processing of mixed waste to separate materials or to convert the waste into a usable material; for example, magnetic separation of steel from garbage; aerobic composting of organic wastes; mechanical and/or manual separation of mixed wastes; centralized processing of electroplating wastes for metal recovery.

All of them play a role. The favourite of us all is the one right up front at the curbside. But when I look at composting, for example, I am quite enthusiastic about that and I think a lot could be done. I am not advocating that this committee as a whole go to Europe to look at what is happening there, but there may be some benefit in some members of the Legislature looking at what other jurisdictions are doing. While, in North America, Ontario is quite advanced in the 4Rs, if we compare ourselves to some European jurisdictions or some Asian jurisdictions, we are not, in my view. We are getting there, but we are not there. We are moving quickly to catch up to them, in my view.

**Mrs. Marland:** You are talking about municipal composting, not individual?

**Hon. Mr. Bradley:** I am talking about municipal, although people individually can compost. It is amazing the number of people who tell me they have been composting for years and what is the big fuss about composting? It can be done in single-family homes or where there is a backyard.

The Environmental Protection Act on packaging provides an overall authority to regulate consumer and industrial packaging. I want to tell you that I wish we could do this nationally. People say, "You just want to pass the buck to somebody else." It is pretty well the view of environment ministers who meet together that a national program on packaging is best, even though we have some interesting interprovincial trade barriers which are informal but there. People sell products in every province. We would certainly want to work with the federal government in implementing some new packaging laws.

I have a little aside here, by the way, something for you people to think about, do some investigating and some comment on. The great fad today is biodegradable and photodegradable. The jury is still out on that. That is something we all have to think about. A lot of environment groups do not think that is good at all. That may sound strange to us, because a lot of people put that out as the solution. Initially, when you look at it—

**Mr. Cordiano:** In a technical sense?

**Hon. Mr. Bradley:** There are two things it does. One thing is that it discourages recycling, because if something is going to biodegrade you just toss it away, "It's going to biodegrade. What am I worried about?" So it discourages and disrupts recycling programs.



The second is whether it really biodegrades and, if it does biodegrade, what are the residual consequences of it? There are a lot of people pushing at me in a direction, you know. You talk about biodegrading. If you wonder why we have not embraced it, it is because the jury is still out on it.

There have been discussions, and I have had these discussions as well as ministry officials, with the Society of Plastics Industry of Canada, the Grocery Products Manufacturers of Canada and the Packaging Association of Canada. These are taking place with staff to develop joint industry and ministry 4R strategies for both consumer and commercial industrial packaging.

The Society of the Plastics Industry of Canada, the ministry and Trans Ontario Plastics are jointly funding a plastics packaging curbside collection pilot project in Ottawa. The total project costs approximately \$165,000. This is in a place called Barr Haven.

Discussions with managers of various shopping malls—they are an important source, as you know, of recyclable waste such as corrugated cardboard—are being carried out on an ongoing basis, and we are looking at degradable plastics adversely affecting the recyclability of packages.

We are talking to the industry. The industry knows it is coming. The industry can see the writing on the wall. The member for Mississauga South justifiably had some complimentary remarks for Ontario Multi-Material Recycling Inc. Mind you, there was a regulation put there that focused their attention, to put it mildly, but it was a case of government and industry working together to attempt to solve a problem.

All these blue box recycling things and other recycling events that I go to are pleasurable events. There are lots of things I have to do that are not pleasurable. One of the things it shows is that kind of co-operation, instead of the constant confrontation with industries like that or with other levels of government all the time. This is one where I think there is so much co-operation, and I am very pleased with that.

We want to see the proposals the industries have. You noticed in the newspaper the Dow Chemical-Domtar announcement for plastics recycling. They are looking at a number of different locations in Canada or the United States, and I tell you, that is going to be very positive. It is recycling. It is taking the plastics out. Plastics are very popular to use and it is taking those out.

Our thrust there is recycling instead of biodegradable at the present time. I will get a lot

of flak for that from people who really believe in biodegradable stuff. I had a person tell me, "In New York state, we have this, this and this." I thought initially it was attractive too until I heard people—environmentalists, not just people who wanted to do something else—say this is not the route to go.

In terms of packaging, we are prepared to work with the federal government. If we have to put packaging legislation in the province because we cannot find a national law that is acceptable, then we will do it. It will make things complicated, but we will certainly do that. We hope our discussions with the industry will produce positive results. If they do, that is great. If they do not, then of course they will meet regulations.

We are trying to expand OMMRI so that we will have something that is very useful there. I call it the grandchild or child of OMMRI. If you look at OMMRI, that is essentially the soft drink industry, the people who produce the cans, the bottles, the pop and so on. I want to get newspaper publishers making a contribution because they produce newspapers, which are in the waste stream.

**Mrs. Marland:** What about the fast-food people?

**Hon. Mr. Bradley:** Yes, same thing. I want to ensure that all of those people who make a contribution to the problem make a very significant contribution to the solution. One of the justifiable remarks from OMMRI, the soft drink industry, had been: "We invested \$20 million over a four-year period of time. We have that commitment there and we are prepared to continue on in playing our role, but don't you think there are other people who contribute to the waste stream?" Answer—yes.

That is why all the groups I go to speak to now—I think you get copies of the speeches and so on. I am pretty blunt and upfront with those people. I certainly welcome your support of that kind of action in that regard. That is why I think packaging is something the public recognizes.

**1150**

Again, the three of us sat in municipalities and others here have sat in municipalities. One of the resolutions I get from them is, "With our waste management problem, part of it could be solved by certain packaging laws." I happen to agree with that, as well as the recycling initiatives.

I was asked last day about municipalities undertaking waste management master plans. We think that is the way to go. Sometimes it is difficult. I think one of the values of sitting on

municipal council is seeing something from a municipal perspective.

I am not going to get into history or past battles on this, other than to say that municipal councils often consider more than the direct environmental consequences of what they do in the province. That is one of the important factors, but they have other factors they look at as well. If you have an individual community trying to find a solution to its individual problem, it is much more difficult, in most instances, to solve that than if you have a waste management master plan.

I have a list of them here. I am not going to go through them all, but I am going to look at Bruce county and tell you who is in that one, just to show you one example of those. In Bruce county, there are the towns of Chesley, Kincardine, Port Elgin, Southampton, Walkerton, Wiarton; the villages of Hepworth, Lion's Head, Lucknow, Mildmay, Paisley, Ripley, Tara, Teeswater, Tiverton; the townships of Albemarle, Amabel, Arran, Brant, Bruce, Carrick, Culross, Eastnor, Elderslie, Greenock, Huron, Kincardine, Kinloss, Lindsay, St. Edmunds and Saugeen.

The only reason I say that is that you have a lot of people working together in a master plan in that county.

I have a list of several of them that are involved in this now: Bruce county, Dufferin, Essex, Huron, Lambton, Northumberland, Peterborough, Wellington, Victoria, Center and South Hastings, Collingwood, East Hope, Grenville-Dundas, Gore Bay, the Grimsby Club, Hawkesbury, Howland, Kapuskasing, Kenora, Kingston, Niagara South, Parry Sound, Perry, Pembroke, Stormont-Glengarry, Smiths Falls, South Simcoe, Haldimand-Norfolk, Metropolitan Toronto, Ottawa-Carleton, Iroquois Falls, Hornepayne, Bracebridge, Halton, Peel and Waterloo.

The good idea about the waste management master plan is that it makes them look at something other than finding a hole in the ground to dump in. It makes everybody focus attention on waste management as opposed to simply waste disposal. Also, there may be a municipality within a county that simply does not have a suitable site and therefore has to share a site with somebody else.

Yes, these waste management master plans take a while to develop. There is the input from the citizens and part of that input, without a doubt—we all face it—is, "I would not like whatever facility you choose to be anywhere near me." That is understandable, but they will look at

the environmental choices that are available to them through a waste management master plan.

They get advice from our ministry. We have several grants that are available for various aspects of waste management to assist them in developing that master plan. When they are finished, people can say they have made an honest effort to try to find the best available way to deal with their municipal garbage. It may not be popular when they select the final site or the special method they have chosen to deal with it, but at least they will have examined all of the alternatives and some of the innovative new ways of dealing with garbage and come up with a master plan that is useful.

What I am getting is some pressure within regions, for instance the Niagara region, to allow two municipalities to go together instead of four. I will tell you, my preference is always to have more municipalities working together rather than fewer. There is a great pressure there. Two can get together and say, "We've got a site and away we go," and the other two are left out in the cold, and that is within a region.

One of the problems we have, and I would appreciate your advice on this as former municipal people, and that of others who are on the committee, is that presently our regional governments are structured such that waste management is either a split jurisdiction or the lower tier has jurisdiction. In Niagara, for instance, the Niagara regional council does not have jurisdiction over either the collection or disposal of garbage. In other municipalities it is different. In each of your municipalities, it is probably different. One may have responsibility for collection and one for disposal. The problem when it is split, as we can see, is what is the incentive, if you are just collecting, to be careful about how much you collect as compared to if you are responsible to both?

One of the things you may wish to give me some advice on in the future or in committee or something may be, should we be giving to the senior level of municipal government the whole responsibility for waste management? I would be interested in the experiences of both of you, because you come from different kinds of municipalities, and I will try to wrestle with my own municipality, as to how useful that might be. That is something we can get back to.

I understand we are back this afternoon. I will try to provide further answers, but as the chairman has suggested, and we are at his beck and call here, I think you people would prefer to



zero in on areas of specific interest. I am more than happy to do that.

**Mrs. Marland:** It would be great listening to you if we had 14 hours.

**Mrs. Grier:** I would be happy to get into specifics and I will give you, over lunchtime, a couple of areas I would like to get into. Hopefully, you can have the staff here to cover those. Two things: One is that the minister has now told me he would be bringing some more information on legal services and the time frame. I hope we can have that in time to discuss it. Second, he said he would give me some more information on the funding of the municipal-industrial strategy for abatement, specifically as it relates to the sewer use bylaw. I would like to have that in time to discuss it.

One item he has not mentioned today, which he mentioned in his opening address and which I

questioned, was the free trade agreement. I went back to Hansard and found that when I asked the minister in January 1984 what studies he had commissioned on the free trade agreement, his response was that there were lots of them and as soon as he complied the information he would be happy to share it with the members through the estimates process. Perhaps those could be tabled this afternoon.

**Mr. Chairman:** I would like to compliment you before I adjourn, because those were the only two of the eight I had listed the other day that were not covered too. Because the bells are ringing, we will adjourn until, hopefully, within 10 minutes of when routine proceedings finish this afternoon.

The committee recessed at 11:56 a.m.

## AFTERNOON SITTING

The committee resumed at 3:31 p.m. in room 228.

# ESTIMATES, MINISTRY OF THE ENVIRONMENT

(continued)

On vote 1501, ministry administration program:

**Mr. Chairman:** The chair recognizes a quorum. We indicated when we concluded this morning's session that we would set a few ground rules as to where we would proceed from here. I think we have decided that what we would like to do at this point is to attempt to answer any further concerns by questioning. We will be operating under vote 1501, so you can ask any question of the minister you wish, within reason.

If this in fact does not turn out to address the concerns raised by the last three votes, we may change this procedure at the beginning of the next session. But for the remainder of today, we will operate as if we were operating all under vote 1501. Any question is permissible. I believe the critic of the official opposition should get the first question in the rotation, but she seems to have disappeared for the moment, so I will call on the critic from the third party.

**Mrs. Marland:** I think the minister had not finished answering my questions. Now, before I give up the floor—

**Mr. Chairman:** Go ahead.

**Mrs. Marland:** Minister, I am quite happy to have the questions I raised this morning responded to later, because in fairness you probably want your staff to look at some of the things. I will be happy to proceed, and when Mrs. Grier comes in, that is fine.

**Hon. Mr. Bradley:** I have one logistical question I will answer. I think we may still be able to solve a problem somehow. It is, why does the ministry not use electronic mail instead of taxi cabs to send press releases to Mrs. Marland? The electronic mail system presently set up in the Legislative Building is for the use of members only. Ministries cannot communicate with that system. The Ministry of Government Services has initiated a study to try to make the various electronic mail systems compatible. That would be advantageous, I agree.

One of the real problems I have logistically, for myself, is being in a ministry that is way up the hill. With the ones that are across the street,

somebody need only walk across the street with it. I have to head back and forth. There are people coming back and forth to here in any event.

**Mrs. Marland:** Do you not have a messenger service? I thought every ministry had a messenger service.

**Hon. Mr. Bradley:** I do not know how that would work. Mr. Posen, do you know?

**Mr. Posen:** We have the same problem with our own internal mail in the government. Using their mail service, they run the mail up to us once or twice a day. We try to run our mail down to them once or twice a day. So we are not running a fancy messenger service. We have been relying on the mails, and it is a problem. One alternative for some shorter documents is obviously a fax process, which is the one we are using more and more. I do not know if there is a compatible fax at this end.

**Mrs. Marland:** We can certainly give the minister's office our fax number.

**Hon. Mr. Bradley:** That may be as easy as anything, Margaret.

**Mrs. Marland:** That would be fine, as long as there is a remedy; I obviously need it.

**Mr. Chairman:** Could I interject for a moment, please. Mr. Posen's name was not officially announced when he began to speak. For the people who are doing the recording, I would like to interject that into the record.

**Hon. Mr. Bradley:** Okay. Mrs. Marland had asked a question, which was, should Ontario have more stringent standards for automotive vehicle emissions? If you want to deal with that, the federal government, as you know, sets emission standards for new vehicles. The provincial government sets and enforces standards for vehicles in use. We try to work as closely as possible with the federal government in that regard so we have something that is pretty standard across the country, particularly if you look at Ontario and Quebec, which are larger provinces, which are industrialized and which have more traffic congestion than some of the other provinces that have congestion only in their more populated areas.

The test for the federal standard is complicated. It takes two days and is performed by the manufacturers. The test for the Ontario in-use standard must necessarily be less time-consuming; it takes simply a matter of minutes.



The test for the Ontario standard ensures that pollution control equipment is working and tailpipe emissions are not excessive. The federal government had the same emission standards for new vehicles for the model years 1975 to 1987, but has introduced much more stringent standards for the 1988 model year. We discussed that, as environment ministers, at the last meeting and previous meetings.

Ministry staff have recommended to legal services that the Ontario in-use standard be complementary to that; in other words, that it be as stringent as and in line with the federal initiative. In addition, it is recommended that the in-use standard for the 1981 to 1987 model years be increased in terms of its stringency. We are moving in that direction.

Ontario in-use standards compare very favourably with other jurisdictions. The standards in California, of course, as everybody knows, are the highest you will find that I can think of. The reason they have those is that they have such an awful problem in California, with very heavy traffic congestion in and around Los Angeles for instance.

In co-operation with the Ontario Provincial Police and the Ministry of Transportation, we believe we are going to be able to improve upon our performance. We are in the process of training OPP officers, for instance, to be able to stop vehicles, particularly those trucks that always have the emission you can spot right away, and to enforce our rules. Before, they could stop them and visually look at them and make some kind of comment, but we think that can be improved upon. As well, in the safety checkup of cars there is an opportunity, it seems to me.

I saw Dr. Balsillie here a moment ago. Perhaps he could expand upon that. This is Dr. David Balsillie, the assistant deputy minister.

**Mrs. Marland:** Actually, I would like to clarify that my question this morning was not in generalities; it was not the bad example we all drive behind from time to time. It is the fact that our standards overall—you have said we are only responsible for in-use vehicles and the federal government is responsible for new vehicles, and therefore, vehicle engine design. There is such a fine line between the new car that is sitting on the lot that has a brand-new design engine in it, and when I take it off the lot it is in use.

All I am saying is that we license vehicles. We permit vehicles to be driven in Ontario through the method of licensing. I think we can set our standards for what we feel those standards should

be for that vehicle to be on the road in Ontario. Frankly, I am not proud of the fact that our in-use vehicle standards are where they are compared to other jurisdictions outside Ontario. With such a basic science, it is not a difficult area to attack. I think that even if the ministry had a plan similar to the elimination of lead from gasoline or if there were a plan that the standards had to meet certain criteria within a certain time frame, at least we would be moving in the right direction.

Right now, it is not good that our standards are so much lower than those in the United States, because in a lot of the pollution areas, of course, we do much better than it does. But here is the greatest polluter of all, which is the automobile, and we are not doing anything about it. I did not want to get into any more detail on that at this point, because the critic for the official opposition is back. I think in fairness I should relinquish the floor to her.

**1540**

**Hon. Mr. Bradley:** The lead group raises the same subject.

**Mrs. Grier:** I am happy to stay on the same subject.

**Mr. Chairman:** I would like to recognize the critic of the official opposition, Mrs. Grier, because I think by asking a supplementary, we might focus in on exactly what her concern is.

**Mrs. Grier:** I would be interested in hearing from the minister what changes there have been in budget and staffing for the vehicle emissions program, specifically testing. It is all very well to say that you are going to get the Ontario Provincial Police to look at emissions, but if they do not have the capability of testing how are they going to make prosecutions stick? As the minister will know, I have raised in the past my concern about the fact that there were in 1988-89, I think only seven staff at one testing facility for the entire province. I would be interested in hearing what the plans are for that.

**Hon. Mr. Bradley:** Very good. I will just do a little bit at the beginning of this. It is something I noted the other day; the Treasurer (Mr. R. F. Nixon) showed me the figures. The leaded gas price has made a difference in the purchase of gas. Leaded gas purchases are well down. They can tell by revenue at the Ministry of Revenue. Their revenues for leaded gas are down. The price of leaded gas went up. So it appears to be working that the people are now switching. A lot of people who could have used either in their vehicle are now using the unleaded gas, which is advantageous.

In terms of the actual way you keep track, one of the things we looked at—I will get David Balsillie to expand on this—is that when you sell your car, during the checkup that takes place at that time a safety certificate must be issued. We are in a position at that time, it seems to me, to be able to do an inspection rather frequently. There is also the training of the OPP officers; we talked about that. In conjunction with the Ministry of the Solicitor General and the Ministry of Transportation, we will be able to do this. Maybe, David, you could expand on that.

**Dr. Balsillie:** I think you are absolutely correct in terms of the fact that the total number of people who have been directly working on the vehicle emissions program has been reduced from the height it was at in 1978-79.

On the other hand, what we are looking for are better ways to do more cars. As the minister said, we are working closely with the Ministry of Transportation of Ontario to look at it at the time of change of ownership of cars. About 1.5 million cars per year change ownership within Ontario. We have worked out with the Ministry of Transportation that we would include within the safety check or safety certification an inspection of pollution control equipment. Through a cost-efficient manner, that would reach 1.5 million cars as opposed to trying to look at a few thousand cars through the check system of the tailpipe emission measurements we used.

As well, for heavy-duty diesel trucks, we have been training between 200 and 300 Ontario Provincial Police officers. We used to have two inspectors who rode with the OPP officers. In fact, the heavy-duty diesel emissions legislation is under the Highway Traffic Act and therefore we had to be with the OPP at the time. We felt that having two inspectors riding in OPP cruisers was a very inefficient way of doing this.

The other thing is that if there is a challenge for that particular offence and if it comes to court, the way the individual testifies is that there was more than 20 per cent opacity of the material coming out of the tailpipe, which is often up in the air for heavy-duty diesel trucks. These people are certified that they can tell the difference between zero, 10, 20 and 40 per cent opacity; their eyes are calibrated. We have now run between 200 and 300 OPP officers through that course. We have to retrain them; they have to be recertified every so often. That is a program we have to maintain.

We feel that through these types of programs, along with another one we have which is a policy

we passed for the use of what we call after-market catalytic converters—a catalytic converter is the item added to your car in order to reduce the NO<sup>x</sup> emissions. After a car is five years old or so, there is the possibility your catalytic converter can become contaminated, or it no longer works properly.

One of the disincentives to replacing that catalytic converter is that a new one that is similar to the original market converter costs \$600. A new converter that can be sold now in this province for cars that are more than five years old is called an after-market catalytic converter, and it sells for between \$125 and \$150. We find it is a lot easier to convince the customer he ought to shell out that kind of money, the theory being that a car which is already five years old has an expected lifetime of another two to three years and does not need a \$600 catalytic converter.

In the vehicle emissions area, we are looking for ways of becoming more effective with fewer dollars. We think these types of programs we are now trying to initiate will cover a larger number of vehicles and reduce the total level of emissions from motor vehicles.

**Mrs. Grier:** Will a change in legislation be required to enable you to ask for tests at the time of transfer of a vehicle or is that by regulation?

**Dr. Balsillie:** I think we can do it through a change in policy or regulation. I do not think the legislation will have to be changed.

**Mrs. Grier:** What about testing centres? If there is now only one at Downsview, and the Ministry of Transportation one was capable of testing only 90 cars a year when I last inquired, have you got the infrastructure to make such a program stick?

**Dr. Balsillie:** Do you mean the safety certification?

**Mrs. Grier:** Yes. Who is going to do the certification?

**Dr. Balsillie:** Safety certification will be at the same garages all across the province where you go to—

**Mrs. Grier:** Are they equipped, though, to test for NO<sup>x</sup> and lead in vehicle emissions?

**Dr. Balsillie:** It is not a question of being equipped for testing. It is a question of whether all of the pollution control equipment is there and operational. As you know, there are several thousand safety certification garages around the province. We did not anticipate asking each of them to install monitoring devices for NO<sup>x</sup> hydrocarbons and volatile organics, VO<sup>x</sup>.



We are working with the federal government, which has all of the details of each make and model for each year. They have all the specifics from the car manufacturers. We are looking at computerizing all of that or putting it into booklets, so that we can distribute to all the safety certification garages in Ontario what the equipment is on each of these vehicles and what they should be looking for, where it will be and what it is expected to be doing.

1550

**Mrs. Grier:** Then the visual tests that you described are only for diesel.

**Dr. Balsillie:** Heavy-duty diesel trucks.

**Mrs. Grier:** What are you planning to do about passenger cars?

**Dr. Balsillie:** The 1.5 million cars that change hands each year is the plan for the passenger cars.

**Mrs. Grier:** Apart from that, if I do not sell my car, you will never catch me.

**Dr. Balsillie:** That drawback is a possibility. On the other hand, if we have five million cars in Ontario and we are looking for a cost-effective way of reviewing motor vehicles and we catch 1.5 million a year, that is not too bad, compared to the few we are catching now. Even with an across-the-province network of garages we would do only a few thousand. The turnover of the fleet is somewhere between five and seven years before a model year disappears from the fleet.

**Mrs. Grier:** What is your target date for having this system of checking when cars are transferred? When will that be in place?

**Dr. Balsillie:** I do not have a positive date. We have been working on it with the federal government and with the Ministry of Transportation of Ontario. We have some of the booklets prepared and we have been talking to other people who would be involved in terms of logistics. To actually give you a date, I cannot tell you exactly when it is going to be implemented.

**Hon. Mr. Bradley:** If I have anything to do with it, it will be quite soon.

The other option we can look at—and I do not know how practical it is because you are talking about licence renewal—you know we all have to renew our licences every three years. That is your driver's licence, not the vehicle licence; but you get a plate, I guess. You get a plate yearly, do you not?

**Mr. Posen:** We can put it in that every third year you renew that.

**Hon. Mr. Bradley:** Okay, we could do it that way. We think we will catch a lot of the problem with the transfer of vehicles. It is amazing, although I have not sold mine in a long time.

Another aspect of it is the incentive to tamper with the system. Now that the price of leaded gas is the same, that is also helpful in terms of performance environmentally. We are looking at what other jurisdictions are doing at this time. I guess what has annoyed me was watching trucks come in from the US. I know that vehicles are important as well, and I think the member for Etobicoke-Lakeshore (Mrs. Grier) would remember that what peaked some public interest in this was this summer when we had the combination of heat and a rather widespread air inversion that really pointed to the need to move somewhat quickly. I know you asked questions in the Legislature on that. You had a press conference on one occasion as well, I think.

**Mrs. Grier:** Before the heat.

**Hon. Mr. Bradley:** I thought that was beneficial in raising this problem and helping us move.

**Mr. Chairman:** I would appreciate it if you would stay at the table for a moment, Dr. Balsillie. I would like to give the member for Essex-Kent (Mr. McGuigan) the chance to ask a supplementary on this topic while we are discussing it.

**Mr. McGuigan:** My question about the use of unleaded gas was answered, but there is another matter that I ran into on vehicle emissions. I attended an energy symposium a couple of years ago. There was a gentleman there talking about sick buildings. He convinced us that there really are sick buildings and he gave a couple of reasons.

One is the tar roof on a building where the air intake might be near the tar roof and that tar roof is actually evaporating, especially in hot weather, sucking those vapours into the building. The other is that sometimes there might be air intake down in the area where vehicles deliver to the building. You have diesel trucks sitting there, and the drivers of diesel trucks universally leave the motor idling while they are unloading.

I brought this question to the Ontario Trucking Association on another occasion. They said it is most prevalent in the wintertime when the truckers idle the motors while they are delivering or stopping at a truck stop or whatever. They have research to show that the motor cools off

quicker idling than it does if you simply shut it off, the theory being that while it is idling it is circulating water through the radiator and you actually cool it off much quicker than you would cool it off simply by radiation or convection.

At least as far as the fleet owners are concerned, they would be glad to see an end to that practice. I wonder if we could not, in co-operation with the OTA, embark on an advertising program or an educational program among the drivers to try to convince them not to do that. One of the bad parts about idling a diesel engine is that when the motor is idling it is not under very high compression, and if it is not under high compression it is not burning the fuel properly and you are getting an awful lot of unburned fuel poured out into the atmosphere.

**Hon. Mr. Bradley:** Obviously, some research has to be done in this field. If you notice people who operate buses—this is more so in the colder climates than in our climate—they keep them going. I have watched them, particularly when you get into a little colder climate. They run the bus for a week—I am not trying to exaggerate—until they take it into a garage. They put it on a very low idle or something like that and they keep it running because they say if you shut it down, for instance, if you are in a place like Quebec City or something, you are not going to start it again with a diesel engine.

It will take some research to produce the kind of fuel that will not allow the engine to close down on you and not be able to start it again, while at the same time helping out with emissions. Mrs. Grier may be aware of this: Is Toronto not now expressing concern about idling buses, trucks and things like that—

**Mrs. Grier:** The board of health certainly has.

**Hon. Mr. Bradley:** —and the effect that has within the city of Toronto? I guess in those cases, the council through the commission may be ordering people simply not to allow things to sit idling. The problem I am mentioning, Mrs. Grier, is the problem that if you shut the diesel engines off, they are shut; that is it and they all stall on you. Maybe David Balsillie—

**Mr. McGuigan:** I would like to speak to that myself. I have operated diesel tractors all my life and I had a diesel car until very recently, and what you say is true. When you shut them down for a long period of time, like overnight, if it is a particularly cold night—with my car if it was about zero degrees Fahrenheit you would have quite a time starting it in the morning. But if you only shut it off for half an hour or an hour or even

two hours, there will be enough residual heat to get it going again.

What I am complaining about mostly is trucks that are idling for 15, 20 minutes, a half-hour while the driver is getting his lunch or getting coffee—

**Hon. Mr. Bradley:** Or inside a building.

**Mr. McGuigan:** I think you really have to go to Nome, Alaska or some place before you get to that stage where they simply never turn them off. As I understand it, the motors virtually freeze up. The grease becomes solid and you simply cannot start. I do not think that is much of a problem in this part of the world; perhaps in northern Ontario it might be. Mostly I am talking about idling for short periods.

**Hon. Mr. Bradley:** One place we can do it directly is through an order on use of government vehicles. The one problem you have identified again gets down to vehicle emissions and the problems they cause when you have them idling inside a building. I have watched them come in, as you point out, for deliveries and I always wondered how those parking garages, for instance—and I guess there have been some studies done there—affect the people who live in apartment buildings or people who work in a building, because you have a lot of vehicle emissions inside them. You walk down and you choke, particularly in the winter when that happens.

Is there anything remedial? Perhaps I could ask Dr. Balsillie if there is any remedial action that could be taken to solve that problem other than simply ordering people to shut the trucks off?

1600

**Dr. Balsillie:** There is no doubt that this has been a problem of some long standing. We do have problems, mainly complaints that come to us as the result of buses which have been idling. In the wintertime they start the buses that are going to go on the road at six o'clock at three o'clock in the morning in the bus yard and the people who are living in those areas have been complaining in the past.

We have worked with, for instance, the TTC to have those buses heated electrically so they do not have to run the diesels and then they can start them without any problem and warm up the buses fairly quickly so that it does not take three hours of running the diesels without the buses moving off the lot.

The other item is that indoor air quality, especially as it relates to office buildings or



whatever, is essentially under the Ministry of Labour and we have worked closely with that ministry where there has been a problem, especially with vehicles parked outside of buildings. I worked in Sudbury for a number of years and all the buses in Sudbury come to one central spot, then they all go away again. The federal building was right beside these streets where the buses were all conglomerating. We worked with the people at the Ministry of Labour, the building itself, and the bus transportation company in order to change the habits, in order to change the intake for the air flow and increase the amount of air being taken in for replacement air.

I think there are a number of things which can be done in specific instances where there are difficulties and problems.

**Mr. Fleet:** The minister is aware of my particular interest in environmental matters in High Park-Swansea, particularly as they relate to the Junction Triangle and the environment surrounding the Toronto stockyards. I have a series of questions pertaining in particular to the people who live near the sources of emission in that part of Toronto.

The minister is aware that following the Nacan explosion there has been a series of investigations and charges laid. One of the results is that the city of Toronto has formed a committee, or task force might be more accurate, to investigate matters, including possible relocation of industries, and also to create a fund. It seems to me that that might be analogous to the environmental security fund that has been created provincially.

I wonder if you could not only make a commitment that your ministry will be co-operating with the city of Toronto task force, but also indicate the function of the environmental security fund to date with the programs and the funding and its tie-in to the steps on a national superfund, including the advantages of having a national superfund as opposed to just a provincial one.

In addition, your ministry is currently dealing with certain reforms of regulation 308, in regard to air pollution. It would be useful if you could elaborate on some of the reforms, the differences from the current regulation, and give an indication of how those are going to help people in the area of the Junction Triangle, for instance.

I know there is a planned phasing in and that there are supposed to be, under the reforms, certificates of approval for processing equipment. How are people going to be assured that that is going to be updated? What are the

standards going to be? How are people going to be helped? These are pressing matters. We have had lots of public meetings, and frankly we are looking to see more action. I am hoping you can elaborate on that.

**Hon. Mr. Bradley:** The Junction Triangle has had a long history of problems. It is typical probably of the old problem of lack of compatibility of use or perhaps planning which in 1988 we would not consider to be good planning.

One person who is here—I will not ask him to comment on this, it just comes to my mind—is David Guscott, who is our director in the southeastern region. He works out of Kingston. The reason I mention David Guscott is that he did a paper or a study and compiled a lot of information and thoughts on the planning process and buffers to be used.

What I have in my city, and everybody has got in his or her town or city, is old industry sitting right in the middle of a residential area. At one time that was a good idea we thought, because people could walk to work. It was almost a neighbourhood place; it was accepted. Now, with our information about contaminants and noise and things of that nature, people no longer want to tolerate those in the middle of the city. So communities are looking at ways of having them move out to other places. Certainly, if they have industrial land, they can try to encourage them to do so. It is not within the provincial mandate to participate in that. It would be a very major and costly program.

It would really mean that it might, in the long run, encourage municipalities to be less careful with planning than they were in the first place. We will get into that.

With those industries that are there now in the Junction area, I think there is a company by the name of Nacan that was charged in this particular case, in the latest incident in there.

Our investigations and enforcement branch will investigate and charge anybody who is in violation and will continue to work closely with the liaison committee from the neighbourhood. Our regulation 308, which is our air pollution regulation—I will not go into detail because we did so this morning—suffice it to say that it will require an upgrading and toughening of the regulations as they relate to air pollution.

That is a progressive program. It does not just end once you have fixed up your stack. If you go for a new certificate of approval, for instance, automatically you will have to upgrade. We are looking for the best available technology in those cases; not just something that is an improvement,

but something that is the best available technology.

All of this will be helpful. We can comment upon and discuss with the city authorities their plans for relocation. We are not in a position to participate financially, but we are in the position to offer advice to a community. I hope that in the long run, although it does not solve this specific problem which is very much a matter of concern to you, we are going to see municipalities start to put industries where there is not a subdivision.

I guess the provincial government through the Ministry of Municipal Affairs and perhaps through a policy statement, such as we have in the land use planning statement—it might be useful to incorporate that into the Planning Act, to avoid those problems that those of us who have sat in municipal councils remember happened. They happened not by accident; they were allowed to happen.

We will continue to do a lot monitoring, continue to work with the people to upgrade the facilities, to upgrade any control orders that are required and to prosecute anybody who is liable to prosecution as being in violation of the provincial laws. That is what we can say about the Junction Triangle. Would Julyan Reid, the assistant deputy minister, like to add anything?

Julyan Reid and George Mierzynski are from the Ministry of the Environment. Julyan Reid is the assistant deputy minister, operations and George Mierzynski is the director, central region.

**Mrs. Reid:** Thank you Minister and members of the committee. The honourable member was referring to a serious problem in the Junction Triangle. There was an explosion of a scrubber there which led to a crisis situation. I am not sure if you are aware that the company has actually closed down that portion of its facility.

**Mr. Fleet:** I am aware of that.

**Mrs. Reid:** The odour complaints do persist. We are aware of that. We are participating fully with the community in that. Air monitoring has told me that the ambient air quality is within the air quality requirements and similar to downtown Toronto. I am not sure if that is a good thing or not; probably not. George, perhaps you would like to add to that and say something more on Nacan and the Junction Triangle.

**Mr. Mierzynski:** There have been a number of changes in the Junction over time. There are existing control orders and program approvals for most of the companies in the area, certainly the major ones. Most of the activities that were deemed necessary by those control documents

have taken place. The ongoing liaison with the local community is to share the information that either is available from the ministry or is provided by the citizens for action we must take.

**1610**

In addition to that, the task force for relocation, which you may have mentioned—there was a previous task force, on which we participated as a ministry, that was initiated through the mayor's office at the time for a Junction Triangle alert plan. That was formed about four years ago when a serious incident occurred. There was a spill to the sewers that turned out to be sabotage due to a union problem at the plant, but nevertheless it caused a great deal of grief in the community. That is still in place, the liaison committee is still in place. It meets regularly.

I do not think there is anything to add. The land use planning issues will remain with us for quite some time, for sure, the relocation issues the minister has talked about, but we do respond to the Junction Triangle through the task force recommendation on the alert plan. We have had improvements in the Junction Triangle because the volume of complaints, which was rather endemic in the past, certainly does not exist today. There are very few complaints in fact.

The area is sensitized from past history. Surprisingly enough, while someone mentioned earlier—I guess it was Mr. Haggerty—about tar on roofs and intakes, we seem to have more complaints about those kinds of odours when they are from activities at private residences than when they are from industry. That does not mean everything is perfect. Nevertheless, the type of environmental concerns we had four years ago have certainly lessened, so I am pleased to report that to this committee.

**Mr. Chairman:** Any further supplementaries to the question? Mr. Fleet?

**Mr. Fleet:** Yes. I might add first of all that I go regularly to the meetings of the liaison committee, and while I think we all agree the complaints are down, I do not think anybody feels the situation is yet satisfactory. I heard the comments of the minister. I took them to mean there will be continuing co-operation with the ministry and the new task force, which is aimed not just at relocation but at looking at a variety of issues, including a tax on certain products that are difficult to deal with. Companies producing chemicals that are either difficult to manufacture safely or difficult to clean up are a major problem.

I do not think I heard the minister touch on the issue of the superfund. I know the minister is



spending time trying to get a national agreement. Perhaps you can expand on your activities there.

**Hon. Mr. Bradley:** I will do so briefly. I think I stated, in my opening remarks or in my response to the critics from the opposition, my stand on a national superfund. I simply believe that a national superfund is essential (a) because they have the taxing power at the production levels and that is where they have to be to be successful; and (b) we do not want to create pollution havens.

If we have individual superfunds across the country where you tax industries, I tell you that you will give an incentive for people to go to another province. If you have a national superfund, on the other hand, there is not an incentive to be running to other places in the country.

I encountered some considerable opposition from a variety of provinces, some you would not even believe, in this matter of trying to get a national superfund. I was just talking to the Quebec minister—I do not think I am revealing anything out of school—a couple of days ago and he expressed the view that he hoped our meeting within six months of the Canadian Council of Resource and Environment Ministers would be productive and we could have a superfund. What we have to do is look at who would be taxed and the criteria for how the money would be spent. These are essentially the two problems to be solved. I believe a national superfund would certainly be beneficial.

A lot of the taxes are going to come from Ontario; let's face it. We have a lot of industries here. We have not decided, as a group of ministers, who specifically should be taxed but I think that can be worked out. I call it a superfund because it is similar to the United States' fund. It would not be modelled exactly on that, but it would provide money for cleaning up historic contamination problems, first of all, and meeting some problems that might happen accidentally in the future and need cleanup.

I prefer one that deals with those who would produce the pollution, as opposed to those who are the recipients of the pollution. Even though I have heard some corporate executives say, "You are the polluter and I am the polluter," I just do not follow that philosophy, that somehow because we buy their products we are the polluters. That does not register with me very well.

I am mildly optimistic now, at last. Certainly, what dominated the session out in Winnipeg was the issue of a superfund. I put it on the table immediately and kept the focus of attention on it.

Even those who initially were reluctant and wanted to dismiss it out of hand were by the end of the meeting more enthusiastic about it, to put it mildly. That would be useful in terms of addressing some of the problems you are talking about.

As far as the provincial superfund is concerned, or our security fund, that comes out of general taxation and is applied to specific instances. We think a national superfund would be very useful for other instances. I went into some rather great detail on that initially.

**Mr. Fleet:** I just hope the minister will bear in mind that I am certainly very supportive, from a philosophic point of view, of any environmental measures we might take including those that would involve differential taxation, a higher tax on those products that are difficult to dispose of, difficult to handle or toxic in general, if that is what is required in order to protect our environment, whether it is in an industrial situation or any other. I guess that gets right down to matters of packaging. I trust the Ministry of the Environment will continue to work on that and I certainly encourage any steps that can be taken in that regard.

**Hon. Mr. Bradley:** I am just noting a note here that the federal government can impose what we call indirect taxes, and that would be like product taxes, where provinces cannot. We can apply that at the sales tax level but not at the producing level. I agree with that except with one—I guess the word is caveat; I always wondered what that meant. I do not want anybody to think they can pay a tax to pollute, and that is the difficulty. If you put on a tax and say, "We are going to put a tax on something because it is potentially dangerous to the environment," some people will translate that into a price to pollute.

**Mr. McGuigan:** A licence.

**Hon. Mr. Bradley:** A licence, even, to pollute. That is why I wonder about those. If it is that bad a product, maybe it should be taken off the market. I think you talked about packaging; that is a possibility. If it is that bad a product, it might be. I think we have to look very carefully at how we tax individual products, as to whether you are really giving them an excuse to pollute. If it is bad enough, let's get rid of the product. I think that is essentially what you are saying as well.

**Mr. Fleet:** Quite possibly, particularly the packaging I mentioned, where you might have to legislate to deal with that.

**Hon. Mr. Bradley:** That is right. In packaging, remove it, regulate it, recycle it or tax it so it becomes very unattractive to use. It may not be directly toxic to individual human beings, but it may be a great nuisance for us in terms of waste management, for instance.

**Mr. Fleet:** Yes.

**Mr. Chairman:** I have asked Mrs. Grier if we could interject with a brief question from Mr. McGuigan who is visiting the committee, because he has a commitment he has to get to. She has kindly consented to allow us to do that.

**Mr. McGuigan:** Thank you very much. I appreciate that; my colleague as well. I have a question of the minister—his first section was wide-ranging—to do with services in Chatham. As the minister will recall—I guess it was the previous minister—the member for Sarnia (Mr. Brandt) was the Minister of the Environment and he had the office moved from Chatham to Sarnia. He left one officer behind, the pesticide officer. At that time, I think there were five people in the office, of which one stayed in Chatham and the other four went to Sarnia and the office was enlarged.

I find now that in cases—many of them are cases where, as you mentioned in talking about diesel exhaust fumes, the evidence is visual and you have to be there to see the case. I had a very distressing case last winter of emissions from a wood-burning stove coming down on the people next door, an elderly couple. They spent most of the winter out of their own home because they could not stand the fumes. We finally got it resolved, but the problem was that we had to have somebody there at the time when those fumes were being emitted and our nearest officer is in London or Windsor.

**1620**

I do not expect an answer today, but as a long-range consideration I wonder if the minister would think of reinstating an office in Chatham to serve that Kent county area. The minister might be interested that back in those days when we were in opposition and there was an office in Chatham, people would come to me and say, "I've been to the office, but they say they can't do anything until they've gone to an opposition member."

**Hon. Mr. Bradley:** Do they still say that, Ruth?

**Mrs. Grier:** No. In fact, the industries, I am glad to say, regret having in opposition an Environment critic who is their member, in my case.

**Mr. McGuigan:** I point that out. There has certainly been a change in attitude. I am sure these officers in Chatham felt restrained by the lack of will here in Toronto to do things. I would appreciate your taking under consideration the re-establishment of an office, probably in Chatham, for Kent county.

**Hon. Mr. Bradley:** We will certainly look at that as a possibility. There are advantages and disadvantages and I will not go into them in great detail, but the advantage of consolidating is that you can have a better operation in one office, even if officers have to travel out somewhere else. The other very human problem you bring to my attention is that if you have an officer right in town, he or she can get there very quickly and make an evaluation on the spot. If that person has to come from London or Sarnia, by the time he gets there the problem may be finished and there is no resolution of it. Certainly, we will look at that.

Julyan Reid, who is in charge of operations and regional offices, has listened to what you have said and I am sure will give consideration to that, looking at how we place our people strategically. I am sure each of the regional directors would love to have triple the people they have now—we would all love to have that—and then spread them out. We still try to work very hard at communications from the London office and the Sarnia office.

A specific answer to the member's question is that we will certainly give that consideration; there and other places. Some of the regional directors are here today, as well as the assistant deputy minister, listening to what you are saying. They would certainly be interested in hearing that and evaluating on an ongoing basis where the problems are and how they can best address them.

**Mr. Chairman:** In recognizing Mrs. Grier, I would like to thank her very much for that interlude.

**Mrs. Grier:** I would like to turn to the question of lakefilling, if I can, and hear from the minister why there is the proposed transfer of monitoring of lakefill in the Metropolitan Toronto region to the Metropolitan Toronto and Region Conservation Authority, what he hopes to gain from that, what studies have been done to substantiate the move to a three categories of fill kind of lakefilling system, and what kind of monitoring and evaluation there will be of that system when it has been in place.

I understand from his response to me in the House that it is an interim strategy. Flowing from



that, I would like some explanation of how the minister plans to deal with lake filling in other municipalities. Is this to become a responsibility of conservation authorities all across the province, and if it is not happening in other areas, why is this putting the fox in charge of the chickens being done in Metropolitan Toronto only?

**Hon. Mr. Bradley:** I promised I would give an opportunity for ministry officials to answer questions, rather than simply having the minister do it. We have three people at the table at the present: Julyan Reid, the assistant deputy minister; Jim Bishop, director of the water resources branch; and George Mierzynski, director of the central region. Perhaps Julyan Reid, the assistant deputy minister, could begin to address this from the policy point of view.

**Mr. Chairman:** The question has been directed by Mrs. Grier. My preference would be that you just carry on the discussion and people keep answering as long as we know who is talking, for the record.

**Hon. Mr. Bradley:** Perhaps you will you just say your name before you start.

**Mr. Chairman:** Just say your name before you start so that we have an official record here.

**Mrs. Reid:** Thank you. I will start. I think by the number of people sitting at the table, you can see we take this very seriously. As you know, we have expressed concern over the quality of material used for lakefill for some time and we had been doing some studies on it.

I would like to ask Jim Bishop to talk a little bit about our development of a new lakefilling policy, a new set of quality guidelines, and then I will come back to our proposal with the MTRCA and its proposed program, which is an interim program. In that way, you can perhaps see how it fits into a much longer-term initiative on the improvement of quality of lakefill. Jim, could you perhaps speak to the policies.

**Mr. Bishop:** Yes. I am Jim Bishop, director of water resources. The need to create a series of new policy initiatives within the ministry has been recognized for some time, not only by ourselves in the Ministry of the Environment but also by numerous other organizations and agencies, all of which got together and formed a lakefill policy committee about seven or eight months ago. They have put together their material in the form of a proposed policy document. It is still undergoing internal review. I believe that is the document referred to in answer to your question in the House.

The other representatives, besides the Ministry of the Environment, were the Ministry of Natural Resources, the federal Department of the Environment and the city of Toronto. Their reason for doing this was because of the concern over the possible impact of lakefilling, not just on land creation or providing a way of disposing of dredged materials, but the effect that can have on the physical and chemical quality of the water they are lakefilling.

In view of that concern, this group established a set of criteria that it feels will apply in providing a sensible way to dispose of any kind of material that is allowed by regulation to actually be available for lakefilling. The criteria would be based on biological impact. They would be much more stringent than the criteria we are aware of for many other agencies. We have looked to agencies such as the United States Environmental Protection Agency, the United States Army Corps of Engineers and various European and Pacific Rim countries that have similar problems. At first it was very difficult to find anyone else who even has a policy or a guideline for lakefilling. I am sure you are well aware of that.

**Mrs. Grier:** Nobody else does it.

**Mr. Bishop:** No, that is not entirely accurate. There are many jurisdictions, certainly in the United States, that do it. You can argue that if you examine the man-years spent by the US Army Corps of Engineers doing the various modelling and engineering activities it does, you would see that lakefilling and creation of land from some kind of material that used to be under water is one of its biggest activities.

**Mrs. Grier:** I am sorry. I am not referring just to replacement of dredged material. I am talking to the dumping of excavated material, which is occurring along the Metro waterfront. I thought your program applied to all kinds of things.

**Mr. Bishop:** It does.

**Mrs. Grier:** Okay.

**Mr. Bishop:** It accounts for that as well. I am just indicating the paucity of data available from other sources.

We would choose not to reinvent the wheel if we had a choice. If someone else had some guidelines, we would use them. The guidelines we have available to us right now are the so-called open water disposal guidelines. These are relatively stringent compared to those we can glean from other jurisdictions, but they were not stringent enough and we feel that very often they were not based on any kind of a biologic or aquatic impact concern. They were just numbers

that were available, probably based on purely technological grounds.

Accordingly, we have put together a new set of proposed guidelines that in my opinion cover a very extensive list of many heavy metals of concern, including things like arsenic, cadmium, lead and mercury, as well as a considerable list of pesticides, herbicides and organic chemicals of concern. The guidelines are in some cases a factor of 100, and in one case 500 times lower than the open water disposal guidelines. I only indicate that to show they are very strict guidelines.

#### 1630

The point of all this is that we are planning three categories of fill once you pass the first screen, the first screen being that you have passed schedule 4 of regulation 309, which I believe is a leach test with acetic acid. If you pass that, you now go into three slots: You can have either totally unrestricted fill, restricted fill or thoroughly confined fill.

I will not get into great detail on what constitutes each of those areas except to say that for unrestricted fill, you will have to pass a series of tests that will include lethality; this could be lethality to fish or lethality to other aquatic organisms. It will be very similar to the lethality test we are using in the municipal-industrial strategy for abatement regulations on industries. It will be a 48-hour, LC50 type of test.

There will be a bioaccumulation test; in other words, the material that is to be filled will be tested from the point of view of what contaminants it contains that can be bioaccumulated.

As for the range of materials in this category—I will not read out the entire list—that list of bioaccumulative substances will require that this material be analysed for things like polychlorinated biphenyls, hexachlorobenzenes, a whole series of chlorinated toluene, benzene and xylene compounds that are of concern because they are chemical byproducts, as well as the usual series of pesticides, incinerator metabolites like benzoate pyrene, and of course, dioxins and furans. In other words, any material we know from the literature worldwide that is capable of being bioaccumulated will be determined in this material.

It has to pass that screen. If it passes that, it is still going to be tested further but it could be considered for unrestricted lakefilling. I think you can see where we are heading with this. If it has so far passed all of these, it must by definition be a relatively innocuous and inert material.

**Mrs. Grier:** Can I pick up two points out of that? These are proposed guidelines.

**Mr. Bishop:** Yes.

**Mrs. Grier:** Can I find out when they are going to be in place and the process by which they will ultimately be approved.

**Mr. Bishop:** The next step in the process once it gets through our own internal review, which by and large is technical accuracy, is to go out for public review so that the various stakeholders in this kind of issue will have an opportunity to comment. Given the complexity of this document, it is probably not my place to try to estimate how much time would be required for public review, but I would imagine a minimum of 60 and more likely 90 days would be required. Our target has been some time in the first half of 1989.

**Mrs. Grier:** In the interim, what changes have been made to your program and what is happening?

**Mrs. Reid:** I will answer that one. We would like to end the situation now of unrestricted dumping, if you like, on the Leslie Street Spit. MTRCA came to us with a proposal we thought was eminently sensible and is actually quite comparable to heading towards the program Mr. Bishop has just outlined, in which it suggested there be three categories of fill in lakefilling.

Anything that was hazardous, of course, would be rejected. There would be an extensive process of testing of material before it was allowed on the spit. They would be willing to set up a program they would manage in which there would be testing, waybilling and a point at which the truck would have to pass and be checked before it would be allowed on.

The three categories are quite similar to that. There would be the practically pristine fill, if you like, which would go in the open water. There would be the less than pristine, but still clean fill, of drinking water quality in terms of its leachate. That would be in what they call protected areas where it is not likely to be hit by waves, material that would still meet park land guidelines but would be confined just to make sure. Nothing less than park land material would actually go on the spit. It would be managed with these three categories.

They have offered to manage this, obviously to charge for the trucks that go on to the spit and would fund the program that way. It would be a vast improvement over what is happening now because there would be the extensive testing of material before it even got there.



At the moment, the Toronto Harbour Commissioners, which is presently managing lakefilling at the spit, has extended the unrestricted dumping of material to December 31, and we are in discussions with them and MTRCA to see if we cannot implement this interim program effectively until such time as we have our final policy. The Toronto Harbour Commissioners did agree to allow the MTRCA to start this program, so since October it has been handing out material and beginning to check the trucks going on to the spit, but there has not been complete agreement yet.

**Mrs. Grier:** My concern is not just confined to the spit. There is the dumping going on in my own riding at the Sam Smith Park where 50 per cent of the loads came from sites that have no testing.

If you are talking about this new program, how are you going to implement it? Are you going to go on to a site? Say Goodyear in my riding gets redeveloped and somebody wants to excavate the foundations. Do you go in and do a couple of tests on the site and say that by and large that site fits category 3, or are you going to be testing every load? What happens now is that if any trucker who has demolished any kind of building in my riding wants to dispose of only one truckload, there is totally unrestricted access to that site and in it goes. We had an environmental assessment on that site and we know the fill is not clean.

What really concerns me about what you are now saying is that MTRCA, which has shown itself to be incapable of monitoring a site adequately, is now going to be given carte blanche to do it its way on major sites like the Leslie Street Spit. Is there any guarantee that each actual truckload is going to be tested, or are we still going to have a test of a site and if there is a hot spot somewhere else on that site it never gets picked up?

**Mrs. Reid:** As far as I know, their program has not been fully implemented anywhere. This is something that is being proposed and would be phased in, we hope, fairly quickly. There would be extensive testing, and as I say, there would be a waybill situation so that if the truck arrives, there has to be some kind of guarantee it is coming from an area where the soil has been tested and has met certain guidelines.

If they lie about it, it is fraud and we investigate and charge them. We would obviously follow that up with an enforcement and compliance policy ourselves. We would have a program of auditing how effectively the MTRCA was managing this; in other words, we would be

doing our own testing in terms of the water quality and doing spot checks on how this would be going. It is a fairly comprehensive proposal they have put forward and it is not being implemented now.

**Mrs. Grier:** Are you telling me the proposal of the three qualities of fill will not be implemented until the proposed guidelines have been subjected to some public review?

**Mrs. Reid:** No. This would be an interim program. If, in fact, our proposals are accepted by the public and accepted by everybody and become our program, that is what would come into place. It may be the same; it may be stricter. We cannot tell at this point. Plus, we may be testing for more materials than the MTRCA would be testing for now. It is following the park land guidelines. Mr. Bishop, if I am correct, what you are suggesting would expand the number of materials that would be tested. We do not want to wait the six or eight months or however long it is going to take to get our own policy through.

**Mrs. Grier:** It seems to me so simple. We have a fairly general guideline now that only clean fill can be dumped at the fill face. We seem to have evidence from the Trow report and from other instances that it is not working, so your solution is to come up with new proposed guidelines.

We heard a lengthy explanation from the minister this morning about how in the case of regulation 308 there was now a requirement for public comment, and you have to have a draft and then you have to have a redraft before you can do anything. You are going to begin to do that with your proposed guidelines on lakefill, but you are saying, "In the interim, we'll go along with the proposal by MTRCA that may be very like our proposed guidelines and we won't subject that to any kind of public comment or scrutiny." Instead, why not just make those people who are filling anywhere on any waterfront live up to the plain old-fashioned guideline that you only dump clean fill?

1640

**Mr. Chairman:** Excuse me. The deputy minister, Mr. Posen, would like to interject at this point.

**Mr. Posen:** In response to Mrs. Grier's question, our concern right now, of course, is that the fill that is going in there is untested. The Metropolitan Toronto and Region Conservation Authority has come forward with a proposal that would require land owners or

developers to test the quality of the material on their site. The waybill system would ensure the material has been tested and is acceptable, and we would know where every truckload is coming from.

That is a major improvement over what we are facing today. We would like to see that improvement. That is the reason we have been supportive of the MTRCA in this approach. It is a major improvement over what is happening right now. What we need is time to develop our own guidelines and discuss those, but we would not want to wait in the interim for all that to take place if the conservation authority can achieve that major improvement. It is not perfect, but it is a lot better than what is happening today.

**Mrs. Grier:** Why can you not just impose a waybill situation now and monitor what the MTRCA is doing? I thought that was the responsibility of the ministry. May we all agree it is inadequate now? The solution appears to be to make it easier for MTRCA. They are now going to get into this charging of \$20 a truck, of which they say \$10 is going to go for administration of the monitoring. The incentive is going to be there for MTRCA to keep on doing new landfills because this is how it is going to generate revenue to monitor it itself. I mean, I just do not follow the logic of the ministry's not saying that the program is not working, that we are disappointed MTRCA has not been able to make it work, and we are going to step in and make sure it works.

**Mr. Chairman:** Excuse me; before we get too far along in this, I interrupted Mrs. Reid earlier and I believe she has something to add.

**Mrs. Reid:** I would like to follow up on what the deputy minister said, and that is that at the moment, at the Leslie Street Spit for example, it is the Toronto Harbour Commissioners that are the managers of the program, so to speak, and we are not happy with the way it is being managed.

What MTRCA is proposing is improved management. You need a constant gatekeeper at the spit and you need someone to check the waybill, to check the testing and to do all that. That is the role that they are going to play and some of the extra money they are charging is in fact to pay for this. It is a fairly labour-intensive program and it has to be a labour-intensive program if you are actually going to check the quality of the fill that goes out there.

**Mrs. Grier:** Why does your ministry not do it?

**Mrs. Reid:** Because it is a labour-intensive program; that is why.

**Mrs. Grier:** But if you are charging enough to cover the cost of it—you are the people charged with the responsibility for preventing pollution. MTRCA and the harbour commissioners and anybody else all along the waterfront are the proponents who want to create landfill, who are under significant pressure from the development industry to create sites for the disposal of fill. Surely it is your responsibility to make sure this is done properly. You do not like how MTRCA is doing it, and yet to come back to your solution, it is to let MTRCA do it for a larger fee. Take the fee yourselves and do it properly.

**Hon. Mr. Bradley:** It is a much more comprehensive assessment program, however, than has existed in the past, I would say.

**Mrs. Grier:** That is not in the interim. That is when you have gone through your process with guidelines.

**Hon. Mr. Bradley:** I think even the interim situation is going to be better than the situation that existed in the past and we will continue to improve it. I think the deputy has indicated that in a world of perfection we would perhaps have a different process in place right away, but as an interim step this is an improvement. Ultimately, we hope to come up with something even better.

In terms of the amount of money charged, that should be utilized for the purpose of carrying out a program of assessment of the material coming in. Rather than being a profit-maker, it should be in those terms. I guess if the price got high enough, the people who have the construction material could head out to Keele Valley and Brock West to fill those two landfill sites much more quickly. They will have to look very carefully at the price they charge and see that it is simply utilized for the purpose of assessing the material coming in, using the system whereby you do your detection right at the site you are taking it from.

Is there not an analyser you can use on site that at that time would give another indication of the quality of material coming in? Perhaps one of the people at the table might be prepared to do that. If they raised their hand, it could be recognized.

**Mrs. Grier:** We have all had instances of trucks that look fine on top. The monitor of the site is in a contraption high above the truck. He looks down at the truck and it looks like it is clean fill. I had a constituent in my office yesterday who had been out on the Sam Smith one, tripping over telephone wires and blocks of asphalt that had been dumped there yesterday, although the environmental assessment for that site says no dumping after October 31.



It has to be obvious that the system, as it now is, is not working and is not being adhered to by MTRCA. What really distresses me and every one of my constituents is the fact that you are about to accept a proposal from MTRCA, put them even more in charge of it and abdicate your responsibility for saying, "MTRCA, you are not doing it properly; stop it", until it comes up with a way of making sure it is done properly.

**Mr. Posen:** There are two separate situations. We should try and see them from our perspective. One of them relates to the Leslie Street Spit which is the major area for lakefilling in the Metropolitan Toronto area. As Mrs. Reid has noted, that has been managed by the harbour commissioners. I think that is where we have been most concerned.

We have looked at an alternative manager and we have seen the conservation authority there as being stronger—if I follow your logic, the conservation authority has an interest in lakefilling itself. It seems to me it also flows from that that the conservation authority therefore has an interest in maintaining the quality of the lakefill or it is wide open to exactly the kind of attack you have directed at it in the discussions here today.

I think we have had to ask ourselves the same question you have asked. How do we maintain and ensure there is integrity in what the conservation authority is doing? We intend to do that through our own spot checks of their activity and our own monitoring audit of what they are doing. We see our role as the regulatory one to set the standards and we recognize those standards have to be improved to recognize the changes that have taken place over time.

I think we need someone to manage this for us. It is important, but if I look at where I would want to put our personnel in the central region or the Toronto area, I would hope I could find someone else to manage what is in some senses a fairly simple but labour-intensive operation. The conservation authority can receive the money and maintain it. With the Ministry of the Environment, or any other provincial ministry, it does not stay with us; it flows back to the consolidated revenue fund.

I think we see the conservation authority as a major improvement. We think it can be managed. If we get them managing it on the Leslie Street Spit, I think that by the same token we will see a major improvement in the Sam Smith area.

**Mrs. Grier:** What about in other areas of the province, Hamilton, wherever else this is happening?

**Mr. Posen:** Where there is lakefilling, if this proves to be a successful model and the way to manage it, then I think we can put the same pressures on a local agency to serve as our manager, whether it is a conservation authority or a more appropriate agency, if there is one in an area. Again, we provide the standards, the investigation, the monitoring and the enforcement if necessary.

**Mrs. Grier:** Have there been some studies done to justify these three categories of fill and to demonstrate that putting the most toxic fill in contained compartments on the land formation is in fact safe? Can you table with us whatever data you have that justifies this change in policy?

**Hon. Mr. Bradley:** The toxic fill, first of all, would not be allowed in. It would be material we would consider to be hazardous material or toxic material. It would not be allowed on a site. It would be excluded. We have other categories, of course. I think what you are asking about there is what the studies have been or what kind of information we have relied upon for those categories.

**1650**

**Mrs. Grier:** What can you share with us in the way of studies of that?

**Mr. Posen:** I am Gary Posen, the deputy minister. Mr. Bishop will speak to the two studies that were done on behalf of the ministry and the results of those.

**Mr. Bishop:** You have referred to the Trow study as one. There are numerous ministries, Environment and even a couple of federal established programs financing studies, that have looked at the effects of lakefilling with regard to the impacts on water quality, on sediment quality and on biota quality.

To summarize the overall finding of all of those, I think it is fair to say that none of them could conclude that you could demonstrate a degrading effect where deterioration in the quality of the water, the sediment or the biota could be strictly attributable to the landfill itself. That would indicate, then, that there are other perturbations in the system, in other words, other sources. There could be nonpoint sources, point sources or atmospheric inputs.

In any event, the belief is that if you took biota, let us say crayfish, leeches, clams or fish from nearby the landfill and analysed them for an extensive list of contaminants and then compared what you found in those fish to fish found in other parts of the same embayment, you could not

determine a difference between them. That is correct.

Very close to areas that have been lakefilled, you will find that the sediments that accumulate there have a higher level of some heavy metals and things like polychlorinated biphenyls, but whether that is attributable to actually being migrated from within the lakefill or is merely there as a result of normal wave action is, again, as the Trow report indicated, up for grabs.

**Mrs. Grier:** What reports have you done that show how the system you are now about to embark on on the Leslie Street Spit is going to alter the situation? Is it better or is it going to make it worse, or what have you done to indicate what the effect is going to be?

**Mr. Bishop:** I thought that what we were getting at here was that we have used these studies to try to delineate a fairly straightforward system of dealing with material that passes an initial screen, that it is not toxic material, that we would grade it into three areas for any application across the province.

As far as the activities at the Leslie Street Spit go, the proponent is perfectly aware of what the implications of this proposed policy are. We would switch in. As soon as this policy goes through the public review process and is promulgated, the Leslie Street Spit would be treated like any other area. Those parts that pertain would have to follow the new policy.

**Mrs. Grier:** So you are confident there has never been any toxic fill found on any of those landfills. The guidelines and regulation 309 are all met.

**Mr. Bishop:** No, I do not think I said that. I could not say that because I do not have all the information. Nobody does because the kind of testing that would have been required had either not been invented when they were doing lakefilling, and that is not a good thing—we are not happy about that either—or after the advent of systems like gas chromatographs and mass spectrometers and atomic absorption spectrophotometers being around to let you do this, there were not that many of them around.

People wanted other things to be analysed, like their drinking water and the fish that they were eating. The sediments and the other materials going into lakefill were not at the top of the priority list. So I could not say that there has never been something unsafe or undesirable put into a lakefill.

**Mr. Chairman:** Could I interject for just a moment here? There are three people waiting

with supplementaries and they are getting a bit agitated. I would like to clear the air a little on procedure here. This is Mrs. Grier's question on lakefilling. The format we envisage here is that we wanted a dialogue and a discussion until Mrs. Grier was satisfied, and then I would be allowing other supplementaries.

**Mrs. Grier:** Go to supplementaries.

**Mr. Chairman:** If you would like to, I have them in order. I would like to remind everybody that we are talking about lakefilling. If I or the critic who asked the question think you are becoming too general, we will interrupt again.

**Mr. Haggerty:** I want to bring something to the attention of the Minister. In fact, I had written the minister on different occasions concerning the proposed landfilling in the harbour of Port Colborne, that is the west harbour or Gravelly Bay as it is known.

I got on to the topic a few years ago in 1977 when I was trying to get the harbour deepened in a particular area. National Harbours Board at that time had had some engineering studies done on the environmental problems in the bay area by a well-known world consultant, Acres International Ltd., in Niagara Falls. It had come up with a list of toxic material that is in the bay, including heavy metals and PCBs and arsenic, and the levels of three or four of the toxic materials were well above the acceptable levels established by the Ministry of the Environment.

Ontario, which is trying to promote a better economic base in the city of Port Colborne, had committed about \$1.2 million in a marina development. To develop that marina they have to dredge portions of the bay and the proposal was to dump in large sections of armour block to make two breakwalls.

At the time, the Acres report suggested that the silt could be removed, but it had to be in containment because of the toxic material there. I understand now that the federal government will go in and do some major repairwork or dredging. In my letter to the minister I did not want an Environmental Assessment Board hearing on it because of the economic situation in the city of Port Colborne. I thought that as long as thorough studies were done on the environmental issue before any fill-in takes place, the public should be made aware of what the studies have found and how serious the problem may be.

I understand that it may not fall directly under the Ministry of the Environment, but the ministry does have somebody watching the studies being done now. Some of the rumours that I get from prominent businessmen and concerned citizens



in the area say that the levels of contamination are higher the closer you get to the shore, and they are talking about filling that area in more to make the marina development, the slips and so on for the boats that come in.

How serious is the environmental problem in the bay there? Is it okay to go ahead with the additional filling and then have the silt stirred up? I have some concerns because the Welland Canal is close by and the southwest winds will carry that silt, if anybody is in there mucking it up, to the canal current. We could end up with toxic material in the drinking water of the cities of Port Colborne, Welland and St. Catharines and it could go right on down to Niagara-on-the-Lake. I just want some assurance that there is not that serious a problem there relating to the studies.

**Mr. Chairman:** Thank you very much, Mr. Haggerty. I notice that Mrs. Reid has brought another expert to the table. If she will be so kind as to introduce him, I think he is more than qualified for your area of the lake. He probably lives within 50 miles of the problem so he is probably an expert.

**Mrs. Reid:** I would like to introduce David Guscott, who is another regional director.

**Mr. Guscott:** Thank you, Mr. Chairman. I guess if that is your definition I may be even more of an expert because I am actually from Kingston. I have spoken to our staff in the Hamilton office and they have been dealing with this matter and preparing some material in response to the member's letter to the minister on this matter.

I think that you have outlined quite clearly the issue in Gravelly Bay. It is a matter regulated directly by the federal government because it is a federal harbour and is being developed under its auspices, even though there are provincial and other moneys involved in some aspects of the marina development.

1700

The federal government has put this activity under their environmental assessment review process, which is the closest thing the federal government has to Ontario's environmental assessment process, and does ensure that there is a full scrutiny of the environmental aspects of the project. Initially, the Ministry of the Environment's role is to provide comments to the federal government to ensure that our concerns, which are very much the ones that you have raised, are taken into account.

With respect to the sediments themselves, they have been tested and found to have been what is

referred to as moderately contaminated because there are some heavy metals, as you said, including copper, nickel and arsenic, and they exceed the Ministry of the Environment's guidelines for open water disposal. Now, to put that into context, there are probably very few, if any, harbours in the Great Lakes where the sediments would be such that they would be available for open water or virtually uncontrolled disposal in open water. So it is not surprising that they exceed those standards.

However, because they do, we have to take some special measures to ensure that things are better off in this development and not worse off. For that reason the dredged material will be placed behind properly constructed berms along the edge of the harbour area vis-à-vis berms designed to ensure that there is not movement of contaminants and heavy metals through the berm back into the harbour. Again, this is not a matter of bringing filth on land. It is the material already in the harbour that we are dealing with here.

One area in the harbour has been identified as having high nickel contamination and it is higher than the rest but not alarmingly high. However, we want to take extra precautions with that material because the material from that area will be put in a special disposal area on land, above the water table, above water level, and that area will then be paved and used as a parking lot for the development. All this is intended to make sure that it stays put where it is placed and that it is taken from being in contact with the water and the biota.

To bring you up to date with respect to the ministry's activity in that area, we are now meeting with the federal government and insisting that the kinds of parameters and methods that I have talked about are incorporated in writing in the documents that will be used for that dredging operation. We will not give our okay on the project until that is done.

**Mr. Haggerty:** I thank you for the information but when you talk about using asphalt to cover it—

**Mr. Chairman:** Could I interject here, Mr. Haggerty, please? That is really just a supplementary to the other question. I do not want a supplementary to a supplementary, at least until we have recognized somebody else.

**Mr. Haggerty:** No, no. I just want to follow up on that. I am rather concerned about this. In the first place, I would like to know where the source originated from. I have some difficulty—knowing, as I do, where Inco is located—as to how that would drift over to the west side with the

prevailing winds. I know, when we talk about landfilling, that the St. Lawrence Seaway Authority did do some rock removal to deepen the canal and dumped it all out on the east break wall, so really I do not see how that would slip over into that area.

When I think about what you are proposing here, I would just like to interject a note of caution. It is all very well to say that you are going to cover it with asphalt and tar base. I ought not to have to tell you the consequences of asphalt and what it does: the ore products, ore materials that are in it are considered carcinogenic. Nickel is too. So to cover it up and to guarantee, to assure me, that there is not going to be any seepage back into the water is something I am going to have some difficulty swallowing—unless you crib it into a vault with cement or something like that. That is the only secure way to do it. I would suggest that if there is that much nickel in there maybe the silt should be picked up, removed and reprocessed in the nickel refinery in Port Colborne to clean it.

**Mr. Chairman:** Thank you very much for that comment. I would like to call on Mr. Callahan now for his supplementary.

**Mr. Callahan:** You had said that you had performed tests. First, can I ask you, and this might be a rhetorical question: Is Lake Ontario virgin pure in terms of pollutants and so on?

**Mr. Bishop:** Is Lake Ontario virgin pure? It is not virgin pure, no.

**Mr. Callahan:** I was going to comment that Mrs. Marland was not here, but she is here now.

Are you saying the tests you run do not create any more pollutants in the lake than were there before? Is that what you are saying?

**Mr. Posen:** Mr. Bishop can correct me, but as I understand it, because there are pollutants in the harbour area in Toronto, it becomes very difficult to measure whether there has been any increase as a result of the lakefilling.

The point I was going to make before to Mrs. Grier is that we had an ineffective system of controlling the quality of the soil which has been going in for lakefilling; yet in terms of our testing we cannot see whether there has been any impact as a result of that. We could not say there has been a serious problem as a result of that.

Nevertheless, I think to be on the side of environmental concern, we want to improve the quality going in there. That again comes back to why we are looking at a much more effective management program for that.

The second point to make is that we have drilled extensively in the centre of the spit, and it is dry. There is 30 years' worth of fill and it has remained dry and stable. That is why we have been able to consider a second category. If it is not perfect, then we can put it in an enclosed area. There is 20 to 30 years of experience and it has remained stable.

Our aim is to ensure an improvement in the quality of the fill going into the lake, at any point in the lake, to ensure that what is going in there from any major site has been thoroughly tested, that we know the results of that testing, and if it is unacceptable, it does not go.

I expect developers are going to have to look at situations where they are going to be scraping off the top of some of the sites they are developing and taking that material somewhere else, and looking at the rest of their site, which may then be much more acceptable. We will get a significantly improved system.

**Mr. Callahan:** If I could follow up on that, normally in an inland fill, if there were any concern as a result of boring that there was going to be leachate, there would be a vinyl or whatever it is made of type of container to keep that leachate. I gather that is not what is done in an extension of Toronto into the lake.

How extensively are borings done? Are they done fairly extensively over the area which is now being built up?

**Mrs. Reid:** When you get a group of consultants in to test it, they do a grid test. They go all over the place. We have gone through a number of experiences—

**Mr. Callahan:** Are they all dry?

**Mrs. Reid:** I am sorry. I am not talking about the spit; I am talking about when you have a construction site. They have to hire consultants to come in usually and do testing. There are requirements where they test all over the site. It is not one or two holes and then fine.

**Mr. Callahan:** Are they done by independent sources?

**Mrs. Reid:** That is the usual procedure. On the big sites and even on medium-sized sites, we would have requirements; we would have protocol on how much testing would be done and what we would find acceptable.

**Mr. Callahan:** That is your responsibility.

**Mrs. Reid:** That is right.

**Mr. Callahan:** Because if you are filling in, you have to be satisfied.

**Mrs. Reid:** We will monitor and we will enforce. That is our role. We are not going to run the program.



**Mr. Callahan:** Are you satisfied that if the lake was virgin clean, which hopefully it will be one day, adding land for purposes of building or parks or whatever it is going to be for is safe enough and guarded enough that it would make it worth while in terms of polluting this hypothetical virgin lake that I am sure we would all like to see eventually? Is it tested that closely?

**1710**

**Mrs. Reid:** In the proposed program, it is tested that closely. Right now, it is not tested. We feel it is unrestricted and really unacceptable because of the risk. Mrs. Grier pointed out there are telephone wires and things like that. You do not really know what is going in. We have to have a system where we cut out all the hazardous fill, and as the deputy minister said, send it somewhere else, send it wherever it ought to go, whether it is Tricil or a landfill or whatever, according to its level, and then take the best. What we have done is divide the best into three categories, because of the sensitivity of the lake.

We feel, certainly to the best of our knowledge at this time, that this is the right way to go. As Mr. Bishop has been telling you, there have been a considerable number of studies going into this. I do not know if 50 years from now someone will say we missed something. Probably we will have such sophisticated tests then that they might find something we missed, but I cannot say that.

Certainly, to the extent of what we know now of all the testing we are capable of and in terms of the management—I come back to the management because I think there is no point in having wonderful guidelines if nobody controls it. As I say, you have to have a gatekeeper at the lake, at the spit or wherever the lakefilling is going, to say: "Where is your waybill? Where did this come from? Who tested it? How did the tests pan out? Who's auditing it?" We have to have that management of the lakefilling, which we just do not have now, and that is what we are looking for.

**Mr. Chairman:** I recognize Mr. Charlton for a supplementary.

**Mr. Charlton:** Out of this discussion we have had here, there are two issues that concern me. One goes back to what you raised, Mr. Bishop, about areas of sediment where levels of contamination were found but you were not sure whether that contamination had leached from lakefill or whether it was just a result of the current patterns in the lake and probably some changes in those current patterns as a result of the lakefill.

How long is it going to take us to answer that question? To put it another way, how long is it

going to take us to know whether the lakefill itself is contributing to that contamination or whether the very fact of lakefilling is causing a concentration to occur in sediments which would not otherwise happen?

**Mr. Bishop:** I think the point you raise is a very good one. Besides the actual direct effect of material escaping from a lakefill area, the creation of that area builds in somehow areas of stagnation within a bay, and in those areas you can get this kind of silting out. That complicates the problem because it is not only the contaminants that derive possibly or potentially from a lakefill, but it is also the contaminants that may have been there from any other source that are likewise associated with particulate matter.

It is just a matter of chemistry and physics that a lot of the chemicals we have a concern about, like polychlorinated biphenyls and the metals, have a natural affinity for particulate matter. Regardless of their source, they will tend to be associated with that particulate matter, which ends up being the silt in the harbour. That is a good thing. It is not good that this stuff is in the silt in the harbour, but it is better that it is there than dissolved in the water. The point is that it is associated with this stuff that settles out. I do not know if the minister wishes to add anything.

**Hon. Mr. Bradley:** Just very briefly; if Mr. Charlton wishes to continue with anything else, he can go ahead.

**Mr. Charlton:** I have one, but you go ahead, because this is another angle on the same subject.

**Hon. Mr. Bradley:** For Mr. Callahan, I thought of this at the time. I was looking at some photographs the other day. The Toronto people know much better than I do how much of Toronto is lakefill. I did not realize that you have it from Front Street in. I have seen some photographs from around the time of the First World War. The photographs show the lakefilling taking place at Front Street. It is actually amazing how much lakefilling has gone on in a lot of places.

I have watched the Hamilton area filling in over the years as I have driven from St. Catharines to Toronto. I know there are some people in your area who are interested in the Windermere basin and waterfowl and so on, maintaining that instead of just using it as yet another industrial landfilling or lakefilling for industrial purposes. It would be to try to preserve a wetlands of some kind there for water fowl.

**Mr. Charlton:** It is not just that. You are right about how much land lakefilling has gone on in Hamilton and in Toronto as well. In Hamilton,

for example, almost all of the lakefilling that has gone on, has gone on extremely inappropriately and is an environmental problem in almost every single instance, including the island park they have been talking about most recently. One of the reasons the concern is at as high a level is because of the past. There are some of us who in fact believe that the lakefilling itself, whether it ultimately be clean or not, is going to cause some problems of its own.

There is another issue that comes out of this discussion we have had. If this system works to eliminate contaminated fill from development sites from going into lakefill, what are you going to put in place to monitor where that contaminated fill then goes if it is not going into lakefills? It is going to go somewhere. I do not think the Ministry of the Environment is going to shut down development in this province.

**Hon. Mr. Bradley:** That is a very good question. I guess a lot of people have not considered that there are not a lot of candidate sites for that material. The member has identified very perceptively, not just in this city but probably more in this city than anywhere else, that the other alternative is landfill sites. They are filling up mighty quickly in the Metropolitan Toronto area, as you aptly pointed out. In addition to that, there are occasions when we identify, because of a historical problem, some very heavily contaminated material they must then be directed to an approved facility such as Tricil, for instance, in the Sarnia area. Those are certainly problems.

Whenever you do construction, whether it is for a backyard pool, which is a small project, or for one of these big condominiums or office buildings in Toronto, or for the domed stadium or something else where you are taking out a lot of material, that material has to end up somewhere. We are concerned that it not show up. If it is contaminated material in the lakefill, there are categorizations that take place for what can go in a landfill and what cannot even go in a landfill, but must go somewhere else.

An example of that is when you scrape the lead-contaminated soil from an area in Toronto. The concern about the lead in the soil is that it is on the surface. In particular, kids are going to get at it. That is the main concern with lead. That went to a landfill site in Toronto that was approved by the municipality and by the ministry. You might get some other contaminated material that is not acceptable and would have to go to an approved site such as Tricil, or if the Ontario Waste Management Corp. were ever to

establish a facility somewhere in Ontario, then that would be another possibility.

**Mr. Charlton:** I understand what you are saying. My question was about having a developer who has bought a piece of land and wants to put up a high-rise. He tears down whatever is on it, brings in his private consultant, does his grid bores on the site, and discovers the site is contaminated and that it will not meet the MTRCA standards for lakefill. So he never bothers to even go down and talk to the MTRCA. He starts trucking the stuff north out of Metropolitan Toronto. What system is going to be place to monitor that? That is what I am asking.

**Hon. Mr. Bradley:** I will direct that question. The smile is because, of course, that question is going directly to staff through the deputy minister.

**Mr. Posen:** A couple of possibilities come to mind. One is that the material is tested. Certainly, we can ask the labs to let us know, to copy to us on the results of any testing so we will immediately know if there is any hazardous material on the site. That means, I would guess, that under our generator regulations from that point on, if it is nonhazardous but does not meet the quality for fill, then they obviously have their choice of landfills that will take it.

The difficult problem you are asking is the same one we have now. If somebody were to do very private testing and realizes he has a problem, he is going to haul at night. We are hoping that what will happen is what is happening more and more frequently: Somebody phones us.

1720

**Mr. Charlton:** You can also think about phoning all the places in the province where we know it has been a problem in the past, like Tiny township.

**Hon. Mr. Bradley:** That is a good example of problems that exist. You asked about lakefilling and environmental assessment. I have a statement here that says all provincial lakefill projects now are subject to EA and that all municipal lakefill projects in excess of \$3.5 million are subject to the Environmental Assessment Act. Of course, the minister may choose to designate projects costing less than \$3.5 million or projects in the private sector. It is on the books now if it is a provincial project or a municipal project. I think where the concern lies is if it is a private project, and of course there can be a request for designation.



**Mrs. Grier:** If I can just follow up on that, the concern also is that you do the EA and then there is no follow-up or monitoring. On the discussion on studies, I just want to make the point that the Sam Smith lakefill site in my riding was the first one designated under EA and was the first EA of a lakefill; I think probably the only one.

The reason it was eventually approved by the board was because the location was totally pure. There was no sediment and it was pristine because it was scoured by the wave action. Now that lakefilling has been going on for eight years, it seems to me to be a perfect candidate site to have an examination of what in fact the effect of lakefill is. It is there now. I can tell you what my constituents find on their beaches. But nobody has ever done any real testing of it and it will be interesting to have a study done.

Also, to follow up on what was said in the EA hearings, the affirmations and assertions made by witnesses from your ministry and others that there would be no effect, it would be very nice to now see if those have been lived up to as a result of the filling.

**Mr. Callahan:** It concerns me that there has been development going on in Toronto for years and years.

**Mr. Charlton:** It is not just Toronto.

**Mr. Callahan:** Okay; I am using Toronto. The water tables, as I see them, run towards the lake in most areas. Is it not possible, and maybe it already happens, to require as one of the requirements of development, particularly in areas close to the lake, that samples—I did not realize it was private consultants—would have to be tested, that you would have to have borings before you built to prevent the possibility of leachate working its way down. It may very well not even be the stuff that is being put in as fill to enlarge Toronto. It may well be leachate from somewhere up the line.

I know we are trying to speed up development these days to get housing and so on, but surely to heaven if this is an important issue, there should be one further process they have to go through: to satisfy the Ministry of the Environment that so many borings show there is no improper material in the area they are going to build on. You might be able to avoid what I thought was the thrust of Mr. Charlton's question in terms of contamination of the lake.

**Hon. Mr. Bradley:** For instance, you are building on a site and the concern, where you spot this immediately, whether it is at a lake or not—I think both the member for Etobicoke-Lakeshore (Mrs. Grier) and the member for

Mississauga South (Mrs. Marland) are aware of these kinds of things; we have discussed them. When you have old industrial sites and you decommission those industrial sites, they can be decommissioned to a level where they can be used for industry again, which is a different level of decommissioning than if you are going to use them for the purpose of a residence where people are going to have their yards and their gardens.

There is a rather extensive decommissioning program and the member for Mississauga South, for instance, was deeply involved in asking questions, expressing concerns and bringing to attention potential problems for us as it related to some of the properties in the Mississauga area that are of ongoing concern.

We do have those decommissioning guidelines and the property must be cleaned up to those guidelines before one can proceed with residential construction.

You also identify another problem. The public in this province says, for one thing, that it wants housing projects, particularly for lower income people. One of the pressures that no doubt will build in the system in a housing-first policy is, "The problem with you municipal people and you provincial people is that you take so bloody long to approve this that no wonder the housing costs so much." That is one side.

The other side is the one you present and one that I, as the Minister of the Environment, must defend; that is, it is better to take a little longer to make sure the site is good for residential development than not to do so. You can do a lot of studies. You can have the remedial people right on the site, which works out well, and you can put conditions in when you are constructing these major sites. That is very valuable for us.

In years gone by, that did not happen as much because we did not know about these contaminants. Many years ago, that is the way things were done.

**Mr. Callahan:** Surely we have the technology, just as we do with noise areas around airports, to know how far away from a lake you can set a line and say you do not have to test beyond that but you have to test within that framework.

**Mrs. Marland:** It depends on the geological makeup. Sometimes you have shale for 40 miles and sometimes you have solid bedrock. The stuff does not travel through solid bedrock but it sure as heck travels through shale. That is exactly the problem we have with the Texaco lands. We have almost 200 acres and everything that was at the north end in the tank farm is just going right

through. It does depend on the geological makeup. I do not have the salary and the scientific qualification to answer your question, so I hope you indulge my answering you.

**Mr. Callahan:** You should leave politics since everybody who has left has made lots of money. Get out of politics and make \$500,000 a year as Larry Grossman is doing.

**Mr. Chairman:** Mrs. Reid had something to say by way of reply to Mr. Callahan.

**Mrs. Reid:** I was going to make very much the same point the minister made. We are paying special attention to a lot of these sites that are ripe for development because they have been contaminated through past use, some industrial and some other types of use. In terms of where we are putting our efforts, we are monitoring those very carefully. As the minister said, we are seen as a rather major obstacle to a lot of developers who would like to get on with the job quickly, because we are insisting on the standards.

**Mr. Chairman:** I am not sure if your interjection, Mrs. Marland, was your supplementary. You indicated you wanted to ask one.

**Mrs. Marland:** My supplementary was on exactly the statement of the minister about the exemptions for municipal projects under \$3.5 million. Why would there be an exemption? Because it is a municipal project? You can do an awful lot of landfilling into the lake for \$3.5 million.

**Hon. Mr. Bradley:** I do not want to say I did not draw up the act, but I did not draw up the act and that is the way the act is, as I have it. The safety valve is that if there is a specific concern, there can be a request for designation and it can be designated. You are quite right in saying that the value alone of a project may tell the scale of the project, but the value does not necessarily mean it has a good environmental effect or a bad environmental effect. I would certainly say that designation opportunity is still there for those kinds of projects. There may be some people who will ask if it a private project, and if it is entirely private, maybe a lot of people—

**Mrs. Marland:** How long has it been in the act?

**Hon. Mr. Bradley:** Since the beginning of the act, I would imagine. Erv McIntyre?

**Mr. McIntyre:** I am the executive director of approvals and engineering. Part of the regulations for municipal projects had the original figure in it and then it has been escalated—

**Mr. Callahan:** In the spring of 1985.

**Mr. McIntyre:** Much before, when the municipal sector came in. It has had the growth factor in it and it grows every year by the cost of living. It is now at about \$3.5 million.

1730

**Mrs. Marland:** I just do not understand why municipal projects should be exempt, and certainly \$3.5 million is a lot of dough that could do a lot of damage. What we are dealing with in the concept of the interpretation of that act, recognizing whose act it was, is a reaction rather than a proactive approach, so I think maybe you might like to look at that as an amendment.

**Mr. Chairman:** Mrs. Grier, since you asked the original question some time ago, we should allow you the final supplementary.

**Mrs. Grier:** I do appreciate the opportunity to explore the issue because it is becoming very important not just in Metro but also across the lakes. People are beginning to take the position that while, obviously, development is important, not at any price and not if the price means unlimited dumping.

I just want to confirm two things that I think I heard you say. One is that both in the ultimate proposed guidelines and in the interim strategy, will the testing of sites that are candidates for fill be done by independent consultants? Can I be assured that every load will in fact be tested?

As you probably know, if a site generates less than 12 loads, I think, there is no testing at all, so a developer with a bad site merely has to do it in 12-truck batches. I think I heard you say every load would be tested and by independent consultants.

**Mrs. Reid:** Yes, by independent consultants. That is correct. Under the proposal by Metropolitan Toronto and Region Conservation Authority, they were developing an exemption for small loads and what they were looking at was the infill in the backyard, that kind of thing. If a developer decided to hire a whole bunch of truckers and send a large development off in small loads, we would consider that fraud and would certainly have a system of fines and we would try to catch that. That is not the intention.

The idea is that there will be a type of test on site for those small loads but it would not be as stringent as the major development sites. That aspect of the program is still under discussion to try to make sure that those loads would be usable for the site. They would be confined; even though I gather most of those loads tend to be clean fill, they would be treated as confined.



They would not be allowed in open or protected areas.

**Mrs. Grier:** Okay. Thank you very much.

**Hon. Mr. Bradley:** I have an answer, if you would like a quick answer to a very straightforward question.

**Mrs. Grier:** Let's see if you can make it.

**Hon. Mr. Bradley:** You asked how many people were in the legal services branch. Because some people depart from time to time in government, just as they do in the Legislature, there has been a number of staffing changes in the legal services branch during the last year. During that time, four lawyers have left the ministry. Two pursued careers in the private sector, one went to Metro legal department and one retired due to health problems—that was the director, Neil Mulvaney.

The branch has since recruited additional staff, including four new lawyers to replace the ones who have left. One of them, Bonnie Wein, who is the new director of legal services to the Ministry of the Environment, is here today. The branch currently has on staff 14 lawyers and 18 secretarial support staff.

**Mrs. Grier:** Fourteen lawyers?

**Hon. Mr. Bradley:** There are 14 lawyers and 18 secretarial support staff for those lawyers.

**Mrs. Grier:** How does that compare with a year ago, two years ago, three years ago?

**Hon. Mr. Bradley:** I do not know, but I will ask André Castel.

**Mr. Castel:** The new staff that was approved for 1988-89 included three lawyers, one destined for the municipal-industrial strategy for abatement program and two for enforcement, so there has been an addition of three lawyers this year.

**Hon. Mr. Bradley:** Is that in addition to the 14?

**Mr. Castel:** That is in addition.

**Mrs. Grier:** The approved complement is 17?

**Mr. Castel:** Yes. The total complement for the branch at the present time is a total of 30.

**Mrs. Grier:** You have 14 and are hiring three more.

**Mr. Castel:** Yes.

**Mrs. Grier:** When do you anticipate reaching the 30?

**Mr. Castel:** The 30 comprise the legal staff as well as the support staff. That is the total in the branch.

**Mrs. Grier:** Okay. Thank you very much.

**Mr. Haggerty:** Do any of them have any engineering background?

**Mr. Chairman:** I would appreciate these questions being asked through the chair, Mr. Haggerty; otherwise people do not know who is asking the question.

**Interjection:** He thought you were asleep.

**Mr. Chairman:** No. I am not sleeping. Mr. Haggerty.

**Mr. Haggerty:** Do any of them have a degree in engineering? Some lawyers do have both.

**Mr. Castel:** One of the lawyers who has just left us was an engineer. I am not sure that there are any others.

**Hon. Mr. Bradley:** I see one finger going up by three different people in the back of the room. There is one more.

**Mr. Castel:** Maybe Bonnie Wein, who is the director of the legal services branch, would answer that.

**Mr. Callahan:** We have a lot of engineers in here today; the engineering profession was overcrowded.

**Ms. Wein:** I understand there is at least one lawyer with some scientific background, although I do not believe any of our current lawyers have engineering background. We are hiring lawyers at the present and I expect to have on staff some people with environmental and scientific background.

**Hon. Mr. Bradley:** Ms. Wein, it would be correct to say, would it not, that the lawyers rely upon the advice and assistance of technical and scientific and engineering staff to provide them with evidence for information which would be useful in carrying out their responsibilities?

**Ms. Wein:** That is correct. One of our lawyers at present, who is a former prosecutions officer, does have a degree in engineering. There is a tendency to specialize in particular areas, so that over the course of time that particular lawyer will develop an expertise in a certain area of science, assisted by the staff of the Ministry of the Environment.

**Mrs. Grier:** I had raised a question earlier about the ability of the ministry to attract lawyers from private practice and whether your salaries were in fact comparable or whether you were having difficulty.

**Hon. Mr. Bradley:** You do not know what a good question this was to ask this person.

**Mrs. Grier:** I know lawyers always need an advocate like that.

**Mr. Callahan:** It is called volunteerism.

**Mrs. Grier:** I think it is an important question, because if we are going to be up against the big corporate polluters and the big developers, you can be quite sure they have the very best at their beck and call, and you may well need to have the best at your beck and call.

**Hon. Mr. Bradley:** Our people have a public service commitment and an environmental zeal second to none, which cannot always be brought about through the attraction of big dollars. I should say to you in this regard, without embarrassing Ms. Wein, that she in fact was very active a short time ago in pursuing these matters on behalf of the people working for the government, and very justifiably so, we felt, because of the problem you have identified.

All government faces it now. We are in Toronto, the private sector is booming and money-wise it is very attractive for people to be working in the private sector. We really appreciate those whose sense of public duty and service has kept them in the Ministry of the Environment. I should turn this over to Ms. Wein.

**Mrs. Grier:** My question then becomes, how successful was Ms. Wein? I would rather hear your answer than hers. She may be too modest.

**Hon. Mr. Bradley:** She was very successful. So the Attorney General (Mr. Scott) told me, anyway.

**Ms. Wein:** Mrs. Grier, in answer to your question, the government lawyers in Environment as well as throughout the government are retained by the Ministry of the Attorney General, so we are all subject to the same salary ranges. Environment's problem in losing lawyers to the private sector is not unique in Ontario, either in the civil division or the crown attorneys' division.

In response to questions raised by the Ontario Crown Attorneys Association and the civil lawyers' association as well as other professional groups in government, the government last year commissioned the Weiler report, which was released in early winter of this year. That report, which was completed by Professor Paul Weiler of Harvard and an Ontario lawyer, suggests binding arbitration for lawyers and other professionals. A draft framework agreement has been completed and is now being studied by the various groups affected. There is an expectation that that framework agreement will be in place and a resolution to those problems is expected some time by summer or next fall.

The Ministry of the Environment, in recruiting, has an advantage at present over other sectors because of the very important work we do. I am satisfied that we have been able to attract—indeed, to some extent keep—people because of the level of public service and the very important work that is carried on. We have not found a difficulty in attracting people, and I am very hopeful that with the Weiler report and the results of it, we will be able to keep lawyers at appropriate salaries so that they will not be forced by personal reasons to leave the public sector.

1740

**Mrs. Grier:** My question is about the numbers now as opposed to last year. I gather from the finance branch of the Ministry of the Attorney General that the estimate for salaries for the Ministry of the Environment this year, 1988-89, is \$250,000 more than last year. I was trying to get an understanding if that was more bodies or more salary.

**Ms. Wein:** In part, it is an increase in salary, although, regrettably for us because of the timing of the Weiler report, the promotional increase for this year has simply been deferred in expectation that it will be covered by Weiler. It also includes an increase in staff and in complement for our branch. I am in the process of hiring people for the branch at the present time, and we also expect to hire additional staff for 1989-90.

**Mr. Chairman:** Deputy Minister Posen would like to add a few comments.

**Mr. Posen:** Generally, looking across the ministry, looking at public service at all times, it seems to me that one of the problems we face is that the public service tends to train people whom the private sector likes to then hire.

**Mr. Callahan:** They learn all the secrets.

**Mr. Posen:** I think there are certain skills that are learned that people want to use. It is a general problem. It has certainly been complicated by the extended boom in Ontario, particularly in the Metropolitan Toronto area. For professional, scientific and technical staff, there are a lot of other options, many of which are higher paying.

I think it is additionally complicated for the Ministry of the Environment because, as this field has grown, as the government has become more involved in terms of regulation, in terms of the variety of policies, as the public has become more interested in this area, the private sector has had to react too. So there are the consultants and the private laboratories.

Certainly no major industry is without an environmental department, so I think we, per-



haps more than others, have found competing attractions for some of our staff. I would like to recognize the fact that the ministry has not had a high rate of turnover, which I think reflects the commitment to public service by many of the members of the ministry.

**Mrs. Marland:** Before we conclude, I have two requests for materials for next week.

**Mr. Chairman:** Do you want to ask a supplementary on this topic?

**Mrs. Marland:** No.

**Hon. Mr. Bradley:** I do have some answers for Mrs. Marland on certain things. Does Mr. Callahan wish to continue?

**Mr. Callahan:** I just want to add one thing from the standpoint of what Ms. Wein said, and I can assure you that I have seen this out in the private sector. Among young people, the environment is of such great concern to them, and even young people coming out of law school—I am not sure about Ms. Wein; she probably is young, but I am sure she is not right out of law school—have a tremendous desire to see that the environment is protected. The same thing is true with crown attorneys, believe it or not.

Unfortunately, I think we take advantage of them because we know they have that sort of knight-in-shining-armour desire to protect our criminal justice system or our environment. They are prepared to work for salaries of which you would be staggered by the difference between them and the private sector. We have to deal with that, obviously. We have to deal with that if we want to maintain quality people, but I imagine that people stay on in the Ministry of the Environment and the Ministry of the Attorney General for many, many years as defending the interests of this province for higher reasons than salary. I have to say they deserve a lot of credit.

**Mrs. Grier:** It also would be nice to give a tangible reward too.

**Mr. Callahan:** Yes, but I think that perhaps we do not give them credit enough at times in terms of what they do for this province.

**Mrs. Grier:** Agreed.

**Mr. Chairman:** The minister has several specific answers for Mrs. Marland on questions that were asked the other day.

**Hon. Mr. Bradley:** Or this morning.

**Mr. Chairman:** I will cut him off at five to six so that you can ask for your new pieces of information.

**Hon. Mr. Bradley:** I cannot identify whether it is Mrs. Marland or Mrs. Grier, but I will give

some answers to whoever it was. You asked whether it is the intention of the ministry to provide the resources for the sewer use control program by reallocation of staff. The answer to that is no. New resource requirements for the sewer use control program have been identified.

You asked whether it is the ministry's intention to seek additional resources as a first step. Of course, we go through a process in government of developing a fiscal policy, as the Treasurer (Mr. R. F. Nixon) in consultation with the cabinet, develops a fiscal policy. The actual allocation of that is done by the Management Board of Cabinet. That is always an interesting process.

**Mrs. Grier:** Can I have a supplementary on that? My reason for the question, of course, was the statement in your own document on MISA that it was going to be a reallocation. I am glad to hear that it is not. I am wondering how you foresee a division of the MISA sewer use control bylaw cost with municipalities.

**Hon. Mr. Bradley:** That will be discussed with municipalities to determine how much of that cost would be assumed by municipalities and how much would be as a result of some provincial assistance. We recognize, for instance, that while larger municipalities with a huge tax base are in a position to be able to finance much of the cost of sewer use bylaws, in fact, the others may not be.

You may have some very small municipalities which still have some industries in them. They are small municipalities, but the industries are located there and may not even be labour-intensive industries. As a result, they are going to require some provincial assistance.

That can be reflected in two ways. That can be reflected through grants from the Ministry of Municipal Affairs or a special grant system through the Ministry of the Environment. We have not yet determined which would be the very best, but there is no question that there is going to have to be some financial assistance for that. We certainly are in a position to help with capital costs, as we have in the past. We would say that—something you would find interesting, I think—a lot of industries may use sewers free right now. The ability to charge industries for the use of sewers is another potential way of getting funds. That may be done in some other jurisdictions.

We see it as a significant expenditure. We think a lot of the costs can be borne by the industries themselves. We think municipalities should get some assistance and we should work

out a formula for capital and noncapital. The Ministry of the Environment would have to, of course, increase its budget for the people it would have directly involved for the purposes of the sewer use bylaw.

**Mrs. Grier:** Can you give us some commitment that lack of funding by a municipality will not be an excuse to delay implementation of the sewer use bylaw?

**Hon. Mr. Bradley:** That is correct. That would not be the case, just as in so many cases it is simply the requirements of the Ministry of the Environment that compel municipalities to perhaps modify their priorities so that they are spending their money on those things which are under the ground or are not so glamorous.

Ray Haggerty is here. He served on a municipal council. We all know the situation of how nice it is to build a civic centre or something else. It looks good and you can cut the ribbon. It is not as nice as some of the pipe systems we have to put in, or sewage treatment plants. I always think to myself, as a minister, I see other ministers going around in some beautiful new building they are cutting the ribbon for, all smiles and so on. I get to open sewage treatment plants which do not look good, but they are very essential.

That is the kind of imposition we are going to make on municipalities, with some provincial assistance. Some municipal people say, "You are distorting our priorities." The answer to that is: "Yes, I am. Sorry, I am because I think they are priorities that all of us have."

**Mrs. Grier:** So lack of federal contributions will not be an inhibiting factor in implementation?

**Hon. Mr. Bradley:** I hate to say that, because the minute I say that they will say, "Aha, you don't need the money." But we are going to proceed with the program, however. This is why I say—and I think this is a safe statement to make and a very positive one to make—we can always move more comprehensively and more quickly with federal assistance. That is the way I placed it in programs where I have set out a challenge for the federal government to participate.

1750

I know you are very interested in seeing federal financial assistance. This gets to a question on infrastructure renewal from Margaret Marland: is the lifelines program of Ontario dependent on federal funds? It would be enhanced by federal funds and we think that would be very helpful. We think we can move more

quickly with federal funds, and to a wider extent, but the program does not fall apart because the federal government does not participate.

We would like to see the federal government working as partners. One of the problems it has is a political problem. It will tell you that it does not get enough credit. I can remember, when I used to be on a municipal council, watching the housing projects come in. The feds would have given—let me say 90 per cent and the province 10 per cent, or 70/30, something like that; large as life would be the provincial minister cutting the ribbon. The federal member might be there with his flag—because they have flags coming out of their arms; they come right out of their sleeves—but they would not get the credit.

I am quite willing to say, if credit is a problem—and I understand it can be; I am not belittling it—then the sign can say "Working together for a better Canada" or something like that, and you can have the federal government insignia and the provincial government insignia and the municipal government's logo on there as well.

We have to face reality. That is one of the factors that the feds will tell you. I hope they do participate. We have developed a discussion paper, in co-operation with Environment Canada staff from the Ontario region, as it relates to the sewer use bylaw that you are talking about and dealing with the municipal-industrial strategy for abatement as it relates to the municipalities. Environment Canada can be very helpful in that regard. We are lucky to have the office here in Toronto and our officials work co-operatively with it.

You also asked about the remedial action plans. You asked specifically about this.

**Mr. Chairman:** Before you get to that, could Mr. Callahan ask a clarifying question?

**Mr. Callahan:** I wanted to ask the minister something. First of all, you talked in a funny fashion about the province and the feds being on the side. I think you should have the taxpayer in the middle with his hands up.

But quite apart from that, to get back to Mr. Charlton's question—and I want to clear it up because I do not want to slow down municipal development in terms of the housing we need today—has it ever been considered that perhaps a person who does the testing of the land on which there is going to be this development might be required to certify, not just to the municipality and to the builder but to the provincial government, that this land is safe and perhaps even have to put up a bond?



**Mrs. Grier:** There is no decommissioning legislation in the province that would require them to do that.

**Mr. Callahan:** No, I am suggesting that a way of ensuring, if our aim is to ensure, that this is not going to create a problem, would be to do two things. First, give us some direction or some way of getting at those people who do the testing if they are going to be independent, and second, provide the funds from which we could recoup the cost of having to clean up the mess if they are not telling us—

**Mr. Chairman:** The chair appreciates this helpful comment. I would like the minister to read into the record the other piece of information that he has, so that I can recognize Mrs. Marland for her points.

**Hon. Mr. Bradley:** We will give that consideration at the same time the Minister of Health (Mrs. Caplan) is giving consideration to the kidney stone smasher at the hospital in Hamilton. That is the dilemma governments will face. You balance it out, in the ministry first: where can we best apply our resources? Then, overall in government, where can we best apply them? It will be looked at in that context.

I am just going to read off the questions that were asked this morning. What are the nine RAPs that will have stage 1 reports ready by March 1989? On Lake Huron, it will be the Spanish River, Severn Sound and Collingwood harbour; on Lake Erie it will be Wheatley harbour; on Lake Ontario, Hamilton harbour, the Toronto waterfront and the Bay of Quinte, and in the Great Lakes connecting channels it will be the St. Clair River and the Detroit River. They are scheduled. When they do not have it ready, if they do not, you can say I said this time they are supposed to be ready.

**Mrs. Marland:** For next week, could I have the updated report on the status of the Tonolli cleanup and the time line? I did ask you this morning about the funding, the joint sharing in the funding, but I really need to know what the time line is for the cleanup and when those people can expect it to be started and finished.

**Hon. Mr. Bradley:** Sure.

**Mrs. Marland:** The second is, could I have the same updated report on the status of the total Texaco lands? There are three parcels there which the staff is familiar with.

**Hon. Mr. Bradley:** We could certainly provide you with that information. I can tell you that in the Toronto experience, and this is less extensive probably, but in Riverdale I think we

are finished with the cleanup of the soil itself. It is now a matter of the houses being supervacuumed inside by Toronto, with Toronto looking after that. We are into the Niagara neighbourhood now and we expect to be completing the Niagara neighbourhood next year in terms of the soil removal. The problem is that in winter it is not easy to do.

We will try to provide you with the same kind of details for the potential Tonolli cleanup. Also, I think you will find interesting and useful the experience they did go through in the other two places as to how it disrupts the neighbourhood and how a liaison committee worked very well. By the way, the citizens in both those areas, Riverdale and the Niagara neighbourhood, played a very key role in co-ordination with the community.

When you come to some people and say, "We're just going to tear up your yard. It looks nice, but we we're tearing it up and taking away the soil and it is going to be disruptive for you," how nice it is to have people who live in the neighbourhood prepared to work in co-operation with you and persuade their neighbours this is going to be good for the neighbourhood.

**Mrs. Marland:** That is what I had in mind. I thought once we know, with your permission I would like to chair a meeting in my community on the subject.

**Hon. Mr. Bradley:** You are always welcome to chair anything.

**Mrs. Marland:** Let me say why I need to do it. It is because, having been in politics for 15 years and having lived in the community for 30, I know how very well people work together. I would like to give the residents the opportunity to be prepared and to work together to make it as successful as it possibly can be, and to expedite the process from the ministry staff's point of view too. I have that faculty that I can do that and then it is to everybody's best interests.

**Hon. Mr. Bradley:** We will come back with that information for you next day. Thank you.

**Mr. Chairman:** Thank you very much. I would like to thank the committee, the minister and the backup officials from the ministry for our very productive day.

Just a couple of comments with respect to next day: We are under two hours, so the directions coming out will be that we will be finishing off this ministry's estimates in the morning of next Thursday and getting the Ministry of Tourism and Recreation in the afternoon.

**Hon. Mr. Bradley:** Are we that far into it? Time flies when you're having fun.

**Mrs. Marland:** Now you know why we didn't want Dr. Chant.

**Mr. Chairman:** We are in the rotation at the

present time. The third party will be recognized next, then the Liberal Party and then the official opposition.

The committee adjourned at 5:58 p.m.



## CONTENTS

**Thursday, November 17, 1988**

### **Estimates, Ministry of the Environment**

<b>Ministry administration program</b> .....	G-149
Main office .....	G-149
<b>Recess</b> .....	G-166
<b>Adjournment</b> .....	G-193

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

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Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

### **Substitutions:**

Grier, Ruth A. (Etobicoke-Lakeshore NDP) for Ms. Bryden

Haggerty, Ray (Niagara South L) for Mr. Sola

Marland, Margaret (Mississauga South PC) for Mr. McLean

McClelland, Carman (Brampton North L) for Mr. Ruprecht

### **Also taking part:**

McLean, Allan K. (Simcoe East PC)

**Clerk:** Carrozza, Franco

### **Witnesses:**

#### **From the Ministry of the Environment:**

Bradley, Hon. James J., Minister of the Environment (St. Catharines L)

Balsillie, Dr. David, Assistant Deputy Minister, Environmental Services Division

Posen, Gary S., Deputy Minister

Reid, Julian, Assistant Deputy Minister, Operations Division

Mierzynski, George, Director, Central Region

Guscott, David, Director, Southeastern Region

McIntyre, C. E., Executive Director, Approvals and Engineering

Bishop, Jim N., Director, Water Resources Branch

Castel, André, Executive Director, Corporate Resources Division

#### **From the Ministry of the Attorney General:**

Wein, Bonnie, Senior Criminal Counsel, Constitutional Law



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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

#### **Standing Committee on General Government**

Estimates, Ministry of the Environment

Estimates, Ministry, of Tourism and Recreation

#### **First Session, 34th Parliament**

Thursday, November 24, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, November 24, 1988

The committee met at 10:12 a.m. in room 228.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT (continued)

**Mr. Chairman:** The chair recognizes a quorum.

We were, by consensus, directing all of our discussion to vote 1501 which means that any question on any of the votes is acceptable at this point. Unless the committee directs me otherwise, we will continue along that route. In the rotation last day we finished up with the official opposition so I will call on Mrs. Marland, the critic for the third party, for the next question.

**Mrs. Marland:** I wanted to pursue where we are going in terms of the waste management master plan project. I did receive a list of those projects and I understand that we now have 35 projects, including 330 municipalities.

We do not have any indication of when these projects actually began and what their original anticipated time of completion was, and what their original anticipated costs were. I would like to know if they are on track or are they going on longer than originally expected?

I am just using as an example, of course, the situation in Peel. Certainly when you look at Peel, Halton and Wellington county—and I am particularly familiar with the details in Peel, of course—the existing situation in Peel with our landfill site closing January 1, 1990, which is 13 months away, is particularly critical.

I am wondering if you could also tell us what portion of the \$15.8 million increase for the comprehensive waste management program is for the master plan component of that program.

**Hon. Mr. Bradley:** First of all, since we have some ministry officials here who can deal with these items, Erv McIntyre will assist in any of the matters related to the environmental assessment end of things. David Balsillie, of course, is the assistant deputy minister in this area and Hardy Wong is the director of waste management. All of these individuals are in a position to make some comment.

I will very briefly say first of all that I like the idea of the waste management master plan because in fact it really requires municipalities to look at all aspects of waste management instead

of simply, as may have happened years and years ago, looking for a dump site. The waste management master plan allows them to look at virtually every possible facility for dealing with waste disposal and every possible mode of dealing with waste management. We think that is advantageous.

We think it is advantageous as well when there are a number of municipalities working together in a waste management master plan.

I think the third thing that I like about it is that it tends to look much further into the future than simply the next landfill site. But I will have Erv McIntyre come forward on this, Hardy Wong and David Balsillie. They could perhaps provide us with some information on the questions which have been asked by Mrs. Marland in relationship to what was anticipated when the various master plans were developed or commenced, in terms of what they would accomplish, and also the time frames and what kind of progress we have actually seen in that regard, and perhaps what is required when they go through the waste management master plan process.

We will all remember to state our names before we start answering.

1020

**Mrs. Marland:** No, I do not want answers to anything I have not asked. I do not need to know what they need to go through. The last part of your question—I do not need that information. I just need the answers, but I have asked particularly about the \$15.8 million as well.

**Dr. Balsillie:** Maybe I could introduce the topic. I am David Balsillie, assistant deputy minister.

As you are aware, the comprehensive waste management budget is \$15.8 million. Of that, the current budget for the waste management master plan program, which is a long-range program for 20-year planning cycles, is \$1.8 million. We pay 50 per cent of the master planning program and we, the Ministry of the Environment, are involved in the master planning process to try to assist in terms of making sure that the program moves along at an expected rate, that the rules and regulations are followed and that the product which comes out of the waste management master planning process is something which can



be used in the environmental assessment process. In other words, there is no sense in going through the waste management master plan and coming out with a product which is not suitable to apply to the environmental assessment process when you are finished.

It is a comprehensive look at all of the options in terms of planning for a given group of municipalities, and we are encouraging groups to work together. It allows them to come forward at the end of that planning process with a strategy of options which allows them to attack the waste management problems in their particular area.

With regard to whether they are on time or ahead of time or behind time, I think quite a few of them are moving at an acceptable rate. In some cases, they are a little behind because of work that has to be done or extras that have to be followed or looked into which were unanticipated at the outset, but for the most part we are quite pleased with the progress that has been made. We have bolstered up within the waste management branch the waste management master planning area so that we have more staff in that area to try to assist municipalities with this particular program.

**Mrs. Marland:** How many more projects are you anticipating to start in 1988-89? There are 35 under way now.

**Mr. Wong:** I am Hardy Wong, director of the waste management branch. In this fiscal year, we do not expect too many, maybe two or three more.

**Mrs. Marland:** How do you plan to deal with the environmental assessment? In terms of when they get to the point of the environmental assessment, how do you plan to deal with 35 or whatever number as they come through your branch? How do you plan to expedite that process without shortchanging protection of the environment?

**Mr. Wong:** The ministry position is always to encourage the entire master plan to be processed or to be submitted under the environmental assessment and review process.

If your question relates to the workload at the ministry in dealing with the 35 submissions, we do not expect the 35 submissions to be completed all at the same time, first; and second, there are a number of municipalities that do not intend to have the entire master plan go through environmental assessment once their master plan is completed. They might have the concept approved but proceed with the specific components of the master plans. The alternatives are con-

tained in the master plan for implementation. So we are prepared to deal with them.

**Mrs. Marland:** Is it true that in the waste management branch you have three staff members and one supervisor?

**Mr. Wong:** In the master plan area?

**Mrs. Marland:** Whatever part of the waste management branch deals with the environmental assessment process, yes.

**Mr. Wong:** Yes. You are right.

**Mrs. Marland:** Can you explain how that number of staff can handle, even if you do not—

**Mr. Wong:** Okay. Once the master plan is completed, when it is submitted to the ministry, it is not the waste management branch that handles the master plan submission. The waste management branch's responsibility with respect to the master plan is to help start the study process. When the municipality or a group of municipalities identifies interest to get on with the master plan process, waste management branch staff attend the meeting and encourage them to get more neighbouring municipalities together.

Then we assist them in forming the terms of reference. We explain to them that they need to pass some kind of township or municipal resolution, to make sure they stay with the game instead of wanting to try to change the rules of the game midway through the study and to back out of the study once they find that the game is not to their favour. We encourage them to stick together to complete a study and assist them technically and financially, as Dr. Balsillie already indicated.

Along with that, our environment assessment branch staff also have a member on the steering committee—which is chaired by one of the municipalities by the way. Our regional staff also attend that master plan process throughout the years it takes. Once it is completed, when it is submitted, the waste management branch's role becomes very minimal.

**Mrs. Marland:** Is this the same branch and the same staff that would have been meeting with the technical staff in the region of Peel for the last four years?

**Mr. Wong:** Partially, yes. Like I say, there were three major branches involved in the master plan process: the regions operation, the environment assessment branch and the waste management branch.

**Mr. McIntyre:** Perhaps, Mrs. Marland, I could help to clarify it. My name is Erv McIntyre. I am executive director of approvals

and engineering. You are into two levels of activities. The one level is a technical level and the other level is an EA review level. At the technical review level there will be involvement from the approvals branch, there will be involvement from the region, there will be involvement from the waste management branch, and they may be getting assistance from a hydrogeologist in the water resources branch; all are components to deal with the total thing they are trying to get approved under the environmental assessment process.

The review takes place at two levels, the one level being the government review from all agencies, and that is co-ordinated by the environmental assessment branch. Then there is the review by the Ministry of the Environment staff, and that is co-ordinated by the approvals branch; so the environment input, in a technical sense, is part of the government review.

**Mrs. Marland:** How many staff are in the environmental approvals branch?

**Mr. McIntyre:** Nearly 100.

**Mrs. Marland:** Because last week the minister, in answer to the question about why it takes such a long time, part of his answer—and unfortunately we do not have the printout of Hansard yet for the committee hearing—was relating to the fact that there are other agencies involved and that is why six months is not a long time.

**Mr. McIntyre:** There are other government agencies involved?

**Mrs. Marland:** Yes, other government agencies.

**Mr. McIntyre:** When the minister receives an environmental assessment, the environmental assessment branch proceeds to distribute it to the other agencies that will have an interest in that particular undertaking.

**Mrs. Marland:** Can you, as staff—and, in fairness, it falls more at your feet than it does at the minister's feet, because he is relying on you—not recommend a way by which this whole process can be expedited? A perfect example, of course, is the Ontario Waste Management Corp., which is our project. It is our, the public of Ontario's crown corporation that is going to be the solution for the most major problem this province faces in terms of waste disposal. Yet they sit along with everybody else with a six-month process of waiting for the response from the ministry. In the meantime, as I pointed out last week, everything goes up in cost. The labour costs and the construction costs go up. In

OWMC's case not the site costs, but certainly in a location of a landfill site, as in the region of Peel, the land costs go up.

How is it that there is not a recommendation from the people who are doing the work to expedite this process, so that we avoid six- eight- or 10-month response times between when a plan is submitted and when it finally gets its comments back, before it then sits before the Environmental Assessment Board.

**1030**

**Mr. Posen:** Mrs. Marland, I am Gary Posen, the Deputy Minister. I think when you look at a lot of the projects—including the Ontario Waste Management Corp. project, but many of the major waste management projects, which have been causes célèbres if it is Halton or Peel—the delay, which is not denying that I would like to see us be able to turn around our comments or the government as a whole much more quickly, has not been in terms of getting government comments. The delay has been in developing an environmental assessment document of sufficient quality that in our view we can accept it and that it has some probability of being successful in front of the Environmental Assessment Board. We have found ourselves working in a very difficult situation in Halton and Peel in trying to ensure that, in our view, all the requirements of the Environmental Assessment Act were respected and met through the environmental assessment document. I think most of the time that has been consumed has been in that preparation period rather than in the comment period.

**Mrs. Marland:** You are saying that your staff is involved in the preparation of these documents and, as has been said by your staff, they give assistance in developing the terms of reference and so forth.

I certainly know what happened in Peel. What you are saying is that the staff is involved and yet a year later, as in Peel, the document that is finally submitted is not acceptable and yet they are allowed to go down the wrong road for 12 months even though the regional chairman in Peel asked the minister for a direct answer about whether or not they were on the right track. They lost another year on top of the three years that they had already spent on the preparation of the application, or the document as you refer to it, and the selection of the site.

In that case, it is a horrific story where staff is involved all along and yet at no time was it said to them, "You might as well stop now because this simply will not work." It was never said in such simple terms. If you are saying that the problem



for your ministry is because the documents come to you without adequate preparation or they are not acceptable, if you are going to tell me that Dr. Chant, who has spent seven years getting to where he is with his document, that his document with a \$70-million price tag on it finally is not a document that is perfect when it is finally at its submission stage to the ministry, then there is something wrong somewhere between what the staff is doing along the various stages with these applications and the proponents of them.

**Mr. Posen:** Again, looking at the Peel situation, which is one that you raise, the ministry staff had provided technical assistance, had made it clear to the council of Peel, or certainly at the staff level to which we relate, that the decision made by the council was going to create serious problems. All along, the message to Peel was we believed that they were going to have a serious problem if they went down the route that they went down.

I guess the difficulty is trying to balance the local responsibility for developing it and providing them with technical advice, and sitting over them and telling them, "You must do it this way," in effect making us the party that is looking over their shoulder, writing their proposal. I think we try to provide advice. We try to put them on the right path. We try to advise them about what they have to do, given our experience. We are the ones who have watched the Environmental Assessment Board, the kind of decisions it has made, the issues it has raised and wanted to explore. I think on the basis of that experience we try to tell each municipality or group of municipalities, "Here is what you are likely to run into. These are the situations you should be trying to deal with. Here is the kind of public consultation process that has been acceptable, or unacceptable, in other situations."

It is not until that document is submitted that we are in a position to say no. We can certainly make it clear that we are likely to say no, that we would have major concerns if they went in that direction, but until we see what they actually do and what they actually submit, we are not in a position to do that.

**Mrs. Marland:** With respect, in Peel it was not the public consultation process that was at fault because they went through the public consultation process. The point is that at no time did your staff say, "You are wasting your time because one site is simply not acceptable." That was never said to them.

So it is not that it was part of the process. It is not that they were sort of warning them and

saying, "The Environmental Assessment Board does not like this; tut, tut, naughty boys," or anything like that. They never said to them, "You cannot go with only one site." That was never said to them. As I said, there was never an answer that was clear, even as recently as a year ago, to the chairman of the region when he said, "Tell us what it is you are going to need." He never got an answer to that.

I know my colleague has a supplementary, but I have to tell you that it was not the whole process, it was specifics in the example of Peel, which was totally unfair. Tell me about the Ontario Waste Management Corp.'s application. Is it waiting to find out how it is supposed to be done when in fact it is ours? OWMC is our business. It is not even a municipality. Private sector does not even apply yet, unfortunately. How is it with an application like OWMC's that it would not be absolutely perfect and that the turnaround time could be shortened?

**Mr. Chairman:** Could I allow Mrs. Grier a supplementary to the other—

**Mrs. Marland:** As long as I have an answer to that question, which I have raised before.

**Mr. Chairman:** We will get back to this.

**Mrs. Grier:** I guess I am almost trying to rephrase the same question. I just want some acknowledgement from the deputy that this is a problem. What I would like to hear is some explanation of how we can overcome it. I recognize the difficulty of balance and the difficulty that it is going to be reviewed by the minister ultimately and therefore he cannot say at an early stage, "It is no good."

But is there any way of formalizing your advice? In the phrase that you use, that your staff relate at the level at which they relate, is perhaps the key to the problem. Somebody in your ministry is relating with the planner and saying, "Look, I am not sure this is going to fly," but that does not necessarily get translated back to the regional level where the decision to change direction is going to be made.

How can we make the guidelines clearer for both large regional municipalities like Halton and Peel and also for the smaller and less sophisticated municipalities, which face the same problem with even greater difficulty because it may be the first time and they do not have the staff resources?

**Mr. Posen:** I will give a general answer and ask Erv McIntyre to fill in on the general situation. Again, we have been looking at this problem over the last few years. We have looked

at things like presubmission consultation and working with proponents, be they municipalities or private sector where that is involved in environmental assessment, to make sure that they understand the requirements of the act, that they understand the nature of the public consultation that will have to be gone through, that they understand the term "alternatives" and looking at reasonable alternatives, that they understand the notion of criteria, that the same criteria have to be applied to all the alternatives that are looked at, and that then there has to be some kind of rational process by which the alternatives are eliminated, using the criteria that were set.

We are still in a period of what I find is an educational process. I think Mr. McIntyre will be able to talk to you about the number of meetings we have had with municipal staff around the province to try to ensure they understand the technical requirements of the Environmental Assessment Act before they get into this process. Certainly, a lot of it has been trying to educate the proponents of these requirements.

Could you carry on in some detail, Mr. McIntyre?

**Mr. McIntyre:** If I may deal for a minute, Mrs. Marland, specifically with Peel: at the liaison meetings and the technical advisory meetings our staff had with them, we certainly did caution them that based on what they were doing we thought they were going to have a lot of difficulty getting the EA through. You will also recall their chief administrative officer made a report to their council, saying that in his view they were going to have a lot of difficulty getting through, and their lawyer made a report to council saying they were going to have a lot of difficulty getting through.

But as the deputy has said, one cannot really deny something on the basis of sort of verbal conversations and activities until one sees the final document. They may be able to rationally explain why they have done something. Until you can see that, you cannot reach that decision, that you should order further studies.

1040

**Mrs. Marland:** Perhaps I can ask you very clearly. You have just said your staff told the technical staff at the liaison committee in the region of Peel that they would have a lot of difficulty getting through.

**Mr. McIntyre:** Yes. It is in the minutes of the meeting.

**Mr. Chairman:** I think I should say for the record that this is Mrs. Marland speaking,

because we are really on a supplementary by Mrs. Grier.

**Mrs. Marland:** It is all covered, I think.

**Mr. Chairman:** But they cannot tell who is talking.

**Mrs. Marland:** We have a terrific fellow on the controls there who knows the difference between Mrs. Grier and me.

Okay, say they said there would be a lot of difficulty getting through; I know there were comments similar to that.

**Mr. McIntyre:** Yes, there were; absolutely.

**Mrs. Marland:** But can you tell me what "a lot of difficulty getting through" means? If it were a lot of difficulty getting through the environmental assessment hearing I will tell you that I would not be sitting here asking the question this morning, because what has happened is that the Peel committee has come right up to the door and bang, before it goes to the environmental assessment hearing the minister has said, "You have to go back and redo all your work, bring in all the other sites and present the other sites for evaluation before the board."

You said that perhaps they could present their argument rationally. The point is that in the case of Peel they have not been allowed to do that. They were not allowed to go to the environmental assessment hearing and give their arguments rationally about why they had selected one site, and that in fact they had considered other sites.

They have not been allowed to do any of that. Suddenly the door has been slammed in their faces at upwards of millions of dollars of cost to the people who live in the region of Peel, and 12 other sites now have to be assessed by that region before they will be allowed to proceed. Instead of being allowed to proceed and to argue those facts rationally before the board, to use your own words, they have been told they have to have all that evidence now in order to even get a board hearing.

**Hon. Mr. Bradley:** Perhaps I can answer from my point of view. One of the problems, because I have to receive advice from ministry officials and then render a decision, is this: Once you have looked at the final document they are presenting, do you let people go to the board with the knowledge that you believe they are going to lose at the board because the document is inadequate?

I know there are some who will say, "Yes, let them go to the board and then if they lose that is their tough luck." The appropriate opportunity is when their final document gets to us. We can



look at it and give an honest evaluation: "We believe you are not necessarily going to be successful at the board. It looks as though you could be in some considerable trouble going to the board with this document." The problem is that if we just let them go to the board and they lose, then they are even further down the process. That is my concern. They are even further down the process at that time.

**Mrs. Marland:** But Mr. Bradley, you had set the date. The board hearing was set. They knew there was one site. The board hearing date was set knowing there was one site. They are three weeks from the board hearing date when they are told they cannot proceed.

**Hon. Mr. Bradley:** The board hearing can be a lengthy process. It has been a substantially lengthy process in Halton, for instance. To go yet another six months, for instance, they could have justifiably said when they got before the board, if they got turned down by the board, "Why the heck did you not tell us when we submitted our final document to you that you did not think we were going to be successful?"

We had to make a judgement at that time. It is never a popular decision to do it at that time—I understand that—but we simply had to when we saw the near-final documentation that came to our ministry. Our ministry officials finally had to say, "We believe there is a substantial chance you might not be successful at the board."

**Mr. McLean:** Can I ask a supplementary, Mr. Chairman?

**Mrs. Marland:** Can I just say something, Mr. Chairman, with respect? I am quite happy not to spend any more time on this question at this point, because I am now only hearing a repeat of the same things we have heard before. I would like an answer from Mr. Posen to my question about the Ontario Waste Management Corp. Then I have one fast question to the minister and then I want to yield the floor to Mrs. Grier.

**Mr. Chairman:** Could I allow Mr. McLean his supplementary here?

**Mr. McLean:** My supplementary is simply this: You have said that plan was not acceptable. Where was all your technical staff when this process was taking place to present it for the environmental assessment evaluation? They are supposed to be involved in that process.

**Hon. Mr. Bradley:** As time went along, they commented on a number of occasions in discussions with the local staff. In addition to that, the council had a report from its chief administrative

officer and from its legal adviser on this matter. So we do make comments as we go along.

When you make those comments, as Mr. McIntyre said, sometimes what will happen is they will modify their document or make such changes as to increase the probability it might be accepted by the board, so when the final document comes in, you can say: "Oh, I see you have accepted our advice. You have moved in a little different direction or you have added something, and yes, it looks now as though you might be successful before the board." In this case, those sufficient changes had not been made, so we were in a position then to say, "We think you could be in very great difficulty going to the board." That consultation does go on all along.

**Mr. Posen:** I am Gary Posen, deputy minister. With regard to the Ontario Waste Management Corp., we followed very much the same process. The Ontario Waste Management Corp. is the proponent for this undertaking and ministry staff at a number of levels have worked with it as technical advisers with regard to the environmental assessment process to ensure the EA document has a high probability of success when it appears in front of the Environmental Assessment Board. Perhaps David Balsillie will talk about some of the details, but just generally I note that the Ontario Waste Management Corp. undertaking is a unique one in the province.

**Mrs. Marland:** Is it getting special treatment to expedite it?

**Mr. Posen:** It certainly has had a lot of close attention and a lot of staff time from the ministry. The difficulty and the time are a measure of its complexity.

**Mrs. Marland:** But is it getting special treatment from the staff to expedite it as a government project?

**Mr. Posen:** Yes, indeed.

**Mrs. Marland:** Okay. I have one other question on another subject totally.

**Mr. Chairman:** Could I interject, please? Because we are on rotation, if we are changing tack completely at this point, I should recognize the government question next and then the official opposition.

**Mrs. Marland:** I am still dealing with the waste management process.

**Mr. Chairman:** Okay; fine.

**Mrs. Marland:** It is a very fast question for a fast answer.

**Hon. Mr. Bradley:** Meant to be a fast question.

**Mrs. Marland:** I understand the minister has directed the branch to notify any private sector waste management projects that they too will have to follow the EA process under the act and that they will be designated by the minister if they do not volunteer. As the act is proclaimed now, it does not cover private sector projects. Without it being enshrined in a statute, how can you make it compulsory for a private sector project to be subjected to the environmental assessment hearing?

**Hon. Mr. Bradley:** In all of these instances, we simply designate it. If you wish to apply the Environmental Assessment Act to every private undertaking in Ontario, that is an interesting and radical departure from what Ontario—

**Mrs. Marland:** No, that is not the question.

**Hon. Mr. Bradley:** No, but one of the ways of doing it is to simply say that absolutely everything that happens in Ontario should be treated in this way. There are some proponents of that, quite frankly.

What I do is designate it in a case. For instance, some of the ones we have talked about basically are the Acton proposal—those people have been told, “Look, you will be coming under the Environmental Assessment Act”—or the one down in Augusta township—they met with our officials and were told, “Look, you people, you know you will have to go under the Environmental Assessment Act.” We have been doing that on a consistent basis and we find it has worked quite well to simply designate all of those.

1050

**Mrs. Marland:** You should know that in the Amsco proposal in Augusta township your staff did not clearly define that they would be subjected to the EAA.

**Mr. McIntyre:** Excuse me; my name is Erv McIntyre. I was present at the meeting and I made it very clear to them that they would be designated under the Environmental Assessment Act.

**Mrs. Marland:** I am very pleased to have that on the record today, Mr. McIntyre, because I have a copy of the minutes of that meeting and it is not clear from the minutes of the meeting. I am glad you have confirmed it today because I happen to believe—

**Mr. McIntyre:** I have no difficulty confirming it, Mrs. Marland.

**Mrs. Marland:** Our party happens to believe that private sector proposals should be subjected

to the same environmental protection and assessment as public sector proposals. All I am asking you is, if I were a private sector proponent and it is not in the statute, is it something I can challenge in a court of law, when it is only a ministerial directive and not in the act itself?

**Hon. Mr. Bradley:** The minister has discretion to designate any of the projects under the Environmental Assessment Act, so I do not know how someone could be successful when the act allows me the opportunity to do it.

**Mrs. Marland:** You do have that power; okay.

**Hon. Mr. Bradley:** I do not want to prolong this more than a minute because I know Mrs. Grier wants to get on with her supplementary.

**Mrs. Grier:** No, I want the member of the government party with his question and then my new question.

**Hon. Mr. Bradley:** Your new question; okay. I will leave that one then. I will wait till you come to your new question.

**Mr. Chairman:** I recognize Joe Cordiano.

**Mr. Cordiano:** I want to ask the minister a question with respect to the Great Lakes remedial action plans and the current status of the plans with respect to the 17 areas of concern that were identified by the International Joint Commission. Can you give us a quick briefing.

**Hon. Mr. Bradley:** It would be Jim Bishop, director of water resources, who would be involved in this, and David Balsillie, assistant deputy minister, environmental services. They could assist you with this. The remedial action plans are going to be the subject of some considerable interest in the next period of time.

**Mrs. Grier:** Perhaps you could repeat the answer that was given last day rather than go into any further detail, because you gave us a list of where they all were then.

**Hon. Mr. Bradley:** I will let these gentlemen add anything to the answer I gave the other day.

**Mr. Cordiano:** I may have missed that answer. I apologize if you have covered it before.

**Hon. Mr. Bradley:** I think the particular concern last day, which may be worth a comment or two, was on which are the ones we want to proceed quickly with and are we going to meet those deadlines.

**Dr. Balsillie:** Thank you, minister; David Balsillie speaking. Of the 17 RAPs that are under way, and they are all under way at the present time, some have progressed more than others. The seven that will have stage 1 reports before



March 1989 are Spanish River, Severn Sound, Collingwood harbour, the St. Clair River, the Detroit River, Wheatley harbour, Hamilton harbour, Toronto waterfront and the Bay of Quinte.

There are four stages to the RAPs. The first is the fact-finding time. The next is the pulling together and having stage 1 reports. Then we go and look, in terms of the public consultation, at the preferred options the stakeholders are interested in having. Following that there is a preliminary draft remedial action plan which is drafted, looking at those options. Then there is more public consultation. Then there is a final draft RAP prepared prior to the actual remedial action plan being presented.

All of them are due before the end of 1990, except, I think, for the Niagara River, which is January 1991.

**Mr. Cordiano:** When is the first one going to be completed? Do you have a target for that?

**Dr. Balsillie:** The first one we anticipate will be done will be the Hamilton harbour, I believe. The final draft is due before the end of December 1988, so we anticipate that it would be the first draft to be completed and it would be ready early in 1990.

**Mr. Cordiano:** Can you just explain how this breaks down in terms of federal-provincial contributions?

**Dr. Balsillie:** Yes. At the present time, for the 1988-89 budget, we in the Ministry of the Environment have budgeted just over \$2 million for the remedial action plan program and the federal government has budgeted around \$600,000. It is a joint program of the Canada-Ontario review board under the International Joint Commission.

**Mr. Cordiano:** I detect a tone in your voice that says to me that somehow there should be equal contributions. Why is the federal government contribution less? Is there any other factor that may have resulted in that? Is it just our responsibility more than theirs or what? What can you say about that?

**Dr. Balsillie:** First of all, I would like to indicate that I do not like to have any tones or inferences in my voice. I was trying to state the facts.

**Mr. Cordiano:** That is something I heard.

**Mr. McLean:** You are the only one who heard it.

**Mr. Cordiano:** Yes, that is true; that is my interpretation.

**Dr. Balsillie:** This is a joint program and there is a larger contribution on the part of the provincial government. I have to say that we have tried to take some steps to increase the federal role in this in terms of its contribution. We were somewhat pleased by a pre-election announcement that the federal government was going to spend some further money in this area.

**Mr. Cordiano:** What would that mean to the program? Would that impact on this breakdown?

**Dr. Balsillie:** No, it would not speed up the process in any way, shape or form, because the process is a very public process and it takes considerable time in terms of making sure that everybody is consulted and making sure that all people's views are taken into account.

**Mr. Cordiano:** So additional moneys are for what?

**Dr. Balsillie:** What we are anticipating is that if they follow through on their announcement with fact they will have money available to assist with the implementation of the plan. I think they were talking \$125 million or \$150 million annually, and that would go a considerable distance to assisting us with the implementation of the remedial action plans.

**Mr. Cordiano:** It would not mean any additional areas of concern or an expansion of the program, but it would certainly help in terms of implementing others that you have not got off the mark as quickly?

**Dr. Balsillie:** We do not anticipate, at least at the present, that there will be additional areas of concern. The projects are based on water quality information.

**Mr. Cordiano:** Yes.

**Dr. Balsillie:** We feel that those are the areas of concern within our province. With additional funds from the federal government, we could improve our public consultation, improve distribution of materials, improve the quality of the studies we are doing, etc. But as I say, I think the one area we are really looking for is major assistance in the implementation, because that will be a costly item.

**Mrs. Grier:** The topic I want to ask questions about is drinking water. I do not know whether there are staff who want to answer these, but perhaps while they are coming, I could ask the minister something. He had, I think, promised to table with the committee an updated version of the municipal-industrial strategy for abatement timetable, as well as the reports prepared for him by his staff on the impact of free trade on the

environment. I wondered if we would get those before the end of the day.

**Hon. Mr. Bradley:** I think we can. In terms of MISA, of course, it refers to sources, as opposed to the drinking water surveillance program which deals with the drinking water.

**Mrs. Grier:** No, I am sorry; they are two separate topics.

**Hon. Mr. Bradley:** Yes, okay.

**Mrs. Grier:** All I wanted on MISA was the timetable for monitoring and regulation, which seems to be missing from the industrial discharges report this year.

**Hon. Mr. Bradley:** We can provide that.

**Mrs. Grier:** My question on drinking water, if I may, was that I would like to have an update on the status of the pilot project that was instituted, I think by the previous government, on the Niagara River. When I raised it with you some time ago, that was the reason we had not moved from guidelines to standards. Again, having heard of that, I would be interested in some comments as to why we are still dealing with what are now known as objectives rather than standards. The pilot project update would be important.

1100

**Hon. Mr. Bradley:** I could provide some of that, but I think Jim Bishop, director of water resources, would be the person that you wish to discuss this with, and Dr. David Balsillie, assistant deputy minister. I can say the ministry uses guidelines and objectives for drinking water quality because these are, in terms of the drinking water quality at least, as enforceable as standards when written into legally enforceable documents, such as a certificate of approval or a control order, while providing the flexibility for water protection measures and remedial actions as required.

But rather than having me go on at some length on this, why don't we hear from the people from the water resources branch and from Dr. Balsillie's division?

**Dr. Balsillie:** We have, as the minister has pointed out, used objectives for a number of years, and for a number of reasons. If we use standards, the standards are rigid and inflexible. When we use objectives, there is a possibility of easily and rapidly changing those. By putting them into certificates of approval and by putting them into other legal documents like control orders, we are in the position to enforce those particular numbers.

We have a considerable number of parameters or chemicals for which we have objectives, in the neighbourhood of 50. We are also making use of other guidelines and objectives from other jurisdictions where we do not have them for ourselves. We are working with the federal-provincial committees to develop further objectives, so that we have more compounds for which we do have numbers. We have acted on those numbers and we do have now in place the drinking water surveillance program.

We are covering over 40 of the water treatment plants in the province, which now represent about 75 per cent of the population which is served by water treatment plants. It has been rare with this comprehensive program that we have seen any numbers in excess of any of our objectives with regard to the drinking water, and we are measuring something like 160 parameters or chemicals in the drinking water from over 40 plants.

We issue reports on a regular basis, which are made public. On each separate plant, we have a major rollup of all data, and it is available to the citizens of those areas. If there is an exceedance of any objective, we are in touch early or immediately with the plant and with the staff of the utility which is operating that plant, whether it is our own or whether it is the municipality's. Usually, it is a question of chemical additions being larger or smaller than they ought to be, so it is more a question of the operational aspects rather than chemical contamination.

We feel that we do have good drinking water here in the province. We do feel that we have a good program to protect that drinking water and we have good plants in place across the province. Fundamentally, it is our position that standards do not make good drinking water; good treatment makes good drinking water. With the objectives of our own jurisdiction and a large number of objectives from others, which we are reviewing on a constant basis, we can tell whether our water has good quality and is safe for the people of Ontario to drink.

**Mrs. Grier:** What is the status of the pilot project and the granular activated carbon filtration plant?

**Dr. Balsillie:** This is the project in Niagara Falls. This project was approximately a million-dollar project, which we entered into as an experimental or research project. It is funded under the research advisory committee. The company which was carrying it out for us had considerable difficulty at the outset. They found they had to switch all their lines from one



material to another because of the very low levels of chemicals we were looking at.

Then we monitored all the water which was going into the granulated plant and we could hardly measure any of the compounds we wanted to remove, which the granulated activated carbon was designed to remove. There were none in the water after going through the standard treatment. We had to spike the water artificially to see whether the granulated activated carbon would remove it. We did all the spiking and the removal experiments and we now find that we are getting mixed results with regard to the process.

The other aspect which is before us right now is that the \$1 million has essentially been expended. We are reviewing that particular project to see whether we should spend further dollars on it; whether we should terminate it, indicating that we are now satisfied with the results we have; whether there is more work, or should we take it in another direction. The whole project at this point is under review.

**Mrs. Grier:** Is there some documentation of the results and the findings which could be shared with the committee?

**Dr. Balsillie:** There is not a final report at present, but there will be. As soon as that is available, we will make sure you get it.

**Mrs. Grier:** On the parameters you say you are measuring, you have 50 chemicals covered by our provincial objectives but on your surveillance program there are 160 chemicals. Whose standards do you use in the program? Do they come from all over, or from where predominantly?

**Dr. Balsillie:** There are some which are Department of National Health and Welfare Canada standards, some which come from the World Health Organization and some which come from the US Environmental Protection Agency. We have looked at their documentation and we adopt those numbers by reference for our use.

**Mrs. Grier:** Why have you not incorporated them into your provincial guidelines?

**Dr. Balsillie:** Only because in terms of looking at them and preparing full documentation for our own guidelines or objectives we are working, as I said, with the federal government and the federal-provincial committee. I think there are another 37 they are looking to put into our objectives list. That process is under way but it takes time.

**Mrs. Grier:** I am afraid I do not understand why it would be so difficult to change a standard.

Where is the lack of flexibility? If you can set a guideline for something by regulation, why can't you set a standard for something by regulation?

**Dr. Balsillie:** You can set a standard by regulation and you can change it by regulation. It is just that it is a more formal process, in terms of taking it through the process, to change it from one to another. Any standard has to be attached to a regulation; guidelines do not. Guidelines can be attached to policy. Policy and objectives can be flexible and can be changed as new information comes along. The other aspect is that you can change standards. It is a longer and a more difficult process, but it can be done; there is no doubt about that.

**Mrs. Grier:** Would you explain your argument about control orders? On whom would you be putting control orders? Again, why are guidelines or objectives better there than standards?

**Dr. Balsillie:** When they are added to an official control document—I use the words “control document” as opposed to “control order”—they have the force of law. In other words, if anyone is in contravention of a control document, such as a certificate of approval, that number can be enforced.

**Mrs. Grier:** Did you tell me about a water treatment plant which would be subject to a control order, or who were you referring to in that?

**Dr. Balsillie:** No; that would be subject to a certificate of approval.

**Mrs. Grier:** And attached to that certificate of approval would be the guidelines you would want them to meet?

**Dr. Balsillie:** Those would be the conditions on the certificate of approval, that is correct.

**Mrs. Grier:** I see. In the federal drinking water guidelines, which you say you use, it is very clear. They say on page 7: “The guidelines and recommendations listed herein are intended to apply to all drinking water supplies, public and private. However, they should not be regarded as legally enforceable standards unless promulgated as such by the appropriate provincial, territorial or federal agency.” They are making a very clear distinction between their standards and your guidelines.

1110

**Dr. Balsillie:** What they are saying is that they do not have the authority to enforce them in the province. It is the province's authority and jurisdiction. In putting them into our certificate

of approval we then ensure that the compliance would be followed. In other words, the federal government does not regulate our water treatment plants.

**Mrs. Grier:** I see. You are confident that every source of treated drinking water in Ontario is subject to a certificate of approval attached to which are objectives that are effectively a standard for how many chemicals, for as many chemicals as are required or for 160 chemicals, that that plant has to meet.

**Dr. Balsillie:** There are chemicals which may or may not be attached to a certificate of approval, which may vary from plant to plant or which would be required to meet the drinking water objectives. In practice, what happens is that we look at a wider variety or a wider number of chemicals and parameters. As I indicated earlier, we take action if indeed we do find any levels of chemicals which are approaching or exceeding the objectives we have in place.

**Hon. Mr. Bradley:** In that regard, in terms of the number of objectives we look at for instance, Jim Bishop, who has travelled extensively to look at what other jurisdictions are doing, reports back that our program is as comprehensive a program as you are going to find anywhere in the world. You talk to certain Americans and you say: "Don't you test for this? Don't you test for that?" They just do not test for all of the things that we test for. So when there are comparative results, for instance, they will say, "Well, we have great drinking water in one place." They have great drinking water because they do not test for the wide parameters of things that we would test for.

Jim has confirmed this in his travels around the United States and elsewhere, haven't you, Jim?

**Mr. Bishop:** Yes. Right now, we have accessed about 1,800 different guidelines from around the world, guidelines, objectives and standards, and they cover 675 parameters. That is theoretically the number of parameters that you could establish some control over by a certificate on any of our plants.

Further to that, we monitor the efficiency of those plants by looking at both the raw water and the treated water, as you say, per 160 parameters routinely and a host of others. By doing an open characterization using sophisticated equipment, we catch any of the ones that were not on that list. We report those data annually in reports like this. These were released about one month ago covering, as David Balsillie indicated, 44 locations across the province.

When we compare this program in terms of the number of parameters that we look at routinely, the frequency with which we look at them, which is approximately monthly or every six weeks for the major municipalities, the number of people covered—and it is right now about 7.4 million people in the province—then in terms of the sensitivity with which we look—and that sensitivity goes down into the parts per quadrillion level—as the minister has indicated, try as we may to find comparable programs in Europe, in Asia, in the Pacific Rim or in the United States, we cannot find anything comparable.

In fact, we find some jurisdictions in the United States and Europe that are astonished that we would do this, and they are further astonished that we make the result public. One has to suspect what the reason for that may be. We would perhaps feel the same way if our source of water was something like the Rhine.

**Mrs. Grier:** I am still wrestling with whether I can in fact accept all you are saying about not needing standards. If my source of water is not a drinking water plant but a well, and my well becomes contaminated because the Ontario Waste Management Corp. has established next door—or some other landfill; maybe not the OWMC people because they happen to be here—and I want to charge somebody with contaminating my water, if all I am dealing with is a provincial guideline presumably I am on much weaker ground than if there was a provincial standard.

**Mr. Bishop:** No, I do not think that is the case. I think you are on every bit as strong a ground. In fact, if you compare the successful litigation in jurisdictions that use objectives and incorporate them into legally binding documents, like control orders or certificates of approval—

**Mrs. Grier:** I am talking about something that is not under a control order.

**Mr. Bishop:** But if the body that has the jurisdiction, in our case under the Ontario Water Resources Act, applies that act, it becomes legally binding. The prosecution and the replacement, the remedy, can be demonstrated to be markedly quicker and more equitable than it is in jurisdictions such as in the United States where there is a totally litigative approach. Whether the water is supplied from a distribution system with a treatment plant or through a system of wells, generally it is owned by people who are trying to make a profit, and they will resist in a court of law in order to delay putting in the remedy. We are aware of cases that have lasted up to 12 years.



**Mrs. Grier:** One final question on this topic. The federal-provincial subcommittee on drinking water, which I guess produces the guidelines that you adhere to, has traditionally had in its guidelines a series of columns—maximum acceptable, interim acceptable, aesthetic objectives and that sort of thing. They used to have a “desirable” column. In 1987, which is the most recent guideline I have, the desirable level has been eliminated. Why, and what impact does that have?

**Mr. Bishop:** I think if you compare the actual numbers in the desirable column to those in the interim and in the straight maximum acceptable level column, for most compounds you will not find a big difference; for some compounds, you will. However, it was determined that for some of the compounds in the category designated as desirable, they were totally unachievable due to the naturally occurring levels of some of them, specifically some of the heavy metals.

It is my understanding that they removed that first of all because it was not going to be achievable because of the naturally occurring levels of things like lead, cadmium and mercury, and also because the degree of protection that was going to be provided by the interim maximum allowable concentration levels—the IMAC levels—was adequate.

**Mr. Chairman:** Before we go on to the next question and I recognize Mrs. Marland, I would like the committee to note that the clock stands at 11:20. With the time remaining last day, we should have our votes at the end of this session. We will be calling the vote at about 11:55 or whenever the bells for the House begin to ring. I understand there will be at least one vote in the House this morning. Because of that, I would appreciate it if the questions and the answers to those questions were as brief as possible. I have several names of people who would like to ask questions, and I would like to work them all in, if we can, for the official record.

**Mrs. Marland:** Last week, I was asking the minister about the Tonolli lead cleanup in Mississauga. I asked whether that cleanup was dependent on the financial involvement of the city of Mississauga. I recognize there are other involvements with the city of Mississauga that obviously would be necessary for that kind of project. I do have a letter back from the minister today; it is of today's date, November 24, 1988.

In the third paragraph the minister says:

“Of paramount concern to me at this time with respect to the Tonolli area cleanup is the need to obtain the full co-operation, involvement and

financial participation of the city of Mississauga. This commitment is necessary to effectively energize the broad co-operation required from civic agencies, civic departments and health officials, which have important roles in the execution of the work by virtue of their existing mandates.”

I think I said last week that there was a representative of the city council at the public meeting, Councillor Donna Lane, who said that was the first the city had heard about it. I think the minister should know that I will be faxing this letter to Mayor Hazel McCallion today, because I know that she is going to be very concerned about a commitment for financial participation on the part of the city to that Tonolli cleanup, if they still do not know anything about it.

#### 1120

My question this morning is, what discussions have there been with the city and what commitment is there from the city as to a financial cost-sharing for this cleanup? Hopefully your staff who have dealt with this issue are here. Second, if the city of Mississauga says it will not make a financial commitment to this cleanup, is it the responsibility of the Ministry of the Environment and the industry that is the polluter?

**Hon. Mr. Bradley:** As you know, the model that was set for this was in the city of Toronto, where the city readily participated and there was a great deal of co-operation.

In all of these circumstances, when we are dealing with financial participation, if the Ministry of the Environment says, “We’ll pay the whole shot,” you can be darned sure that no one is going to participate financially except the Ministry of the Environment of Ontario. That is why you will seldom hear me say that and say we hope that discussions with the municipality will bear some fruit.

I commend Toronto on the attitude they took. Essentially, the way it broke down in Toronto was that we paid, in rough terms—of course, without going after the company to get money, but we do not hold up the cleanup waiting to get money out of the company; we proceed in another direction that way. What we did was we essentially assumed the responsibility for the cleanup of the lead-contaminated soil outside. The city essentially assumed the responsibility for the cleaning of houses inside. As you may be aware, it is not simply a matter of cleaning up the soil; if there are particles that have been inside, it takes what we have referred to as commercial cleaning as opposed to anything else—

**Mrs. Marland:** With respect, Jim, I do not need the details. First of all, the city of Toronto is two million people, while the city of Mississauga is 400,000; so the affordability factor in terms of their budgets is totally different. I want to know whether your staff has a commitment from the city of Mississauga to cost share this cleanup.

**Hon. Mr. Bradley:** Okay, I will ask those who have been in any kind discussion with the city of Mississauga whether they are prepared at this point in time to give that commitment.

**Mr. Chairman:** Would you introduce your staff members, please, Minister. I know Ms. Reid, but I am not sure about the others.

**Mr. Mierzynski:** My name is George Mierzynski; I am the director of central region. I was at the September 8 meeting that Mrs. Marland previously indicated. I can confirm most of the items she previously outlined with respect to the city of Mississauga's participation or nonparticipation. However, what I would like to do is to go back to a week before the September 8 meeting and advise this committee that I met with both the city representatives and a representative of the company.

**Mrs. Marland:** Could you tell me who from the city, George?

**Mr. Mierzynski:** Regrettably, I do not have the name here, but it was the acting chief executive officer for the city. I could look up that name, but I do not have it here.

I met in advance with the acting chief executive officer at that time and I advised him that we would be having the meeting and that there was strategy that the ministry was following with respect to the cleanup and what that strategy was; it was no different than the strategy outlined at the meeting. As the minister has previously said, it is a co-operative, participative approach, where it was expected that the company, the ministry and the city would share in the cost of the cleanup, both in an administrative and a financial sense. We have not finalized the costs, but I gave a range of those costs.

**Mrs. Marland:** What is the range?

**Mr. Mierzynski:** The range of those costs could be up to \$3.8 million in that particular situation, and I outlined that—

**Mrs. Marland:** A total of \$3.8 million to be shared by three parties?

**Mr. Mierzynski:** That is correct. The reason we cannot determine precisely at this time what the share might be is that there are a number of agreements which have to be reached on

designating the area to be cleaned up very specifically.

There are other reasons. In the case of Mississauga versus the city of Toronto, the medical officer of health for Peel, who also acts for Mississauga, gave us a recommendation which is not firm from the perspective of soil cleanup and house cleanup. For example, he suggested that lead levels in excess of the 500 parts per million which were discussed on private residences may not necessarily be removed, in his opinion, because he suggested that if no children under the age of six either live or will live on that property, he does not think it is necessary.

That is a very difficult recommendation to follow because we do not know that children will not live there in the future even though they do not live there now, because homes get sold and so on.

**Mrs. Marland:** Excuse me for interrupting, but in the interest of time I do not want to get into that area. All I want to know is this. The meeting was September 8. Today we are at November 24. Have you had another meeting with the city, and do you have a commitment from the city to cost share whatever the project is? I realize you cannot know the extent of the cleanup when you have the difference of opinion with the medical officer of health. But do you have a commitment? Have you had another public meeting with the city since September 9?

**Mr. Mierzynski:** I have not had a meeting with the city since that time.

**Mrs. Marland:** You have had one provisional meeting with city staff.

**Mr. Mierzynski:** Yes.

**Mrs. Marland:** So we do not know if the city is going to cost share.

**Mr. Mierzynski:** That is correct.

**Mrs. Marland:** Would it be fair, Minister, to say that the city of Mississauga, which has not had a subsequent meeting, may not even know it is expected to be a third party to this cost at this point?

**Hon. Mr. Bradley:** I would say the city of Mississauga is aware of our view in this matter, and now that there is a newly elected council it will be able to make its decision. Again, three of us have served at the municipal level. When you are in the process of—

**Mrs. Marland:** The council has not changed.

**Hon. Mr. Bradley:** I realize that, but one does not know that during an election campaign.



**Mrs. Marland:** That would not make any difference with this council.

**Hon. Mr. Bradley:** You are really dealing with a new council on each occasion. I think now that that is established, there is a new council there, it may be many of the same people but in a better position to proceed.

**Mrs. Marland:** The point is that there was not even a follow-up meeting. The public meeting was September 9. Your staff—

**Mr. Mierzynski:** I think it was September 8.

**Mrs. Marland:** Your staff met with—we do not have a title of “acting” whatever you said; you may have met with either the engineer or the city manager or the building commissioner.

In any case, now that we have established that there has not been a formal meeting to establish that the city will pay, we cannot answer the question about whether the city will be a third party to this cleanup.

What is the answer to my next question? If the city says that it will not pay, that it is the responsibility of the Ministry of the Environment and the polluter to clean it up, what will happen? Will your ministry clean up this soil for those residents?

**Hon. Mr. Bradley:** You know as well as I do that if I say—

**Mrs. Marland:** Can I ask the question?

**Hon. Mr. Bradley:** You have asked it. You know as well as I know that if I say yes to that we are not going to see a penny from the city of Mississauga; that is a fact of life. I deal with that all the time. In fairness, if I say no, they will say, “That’s great, because somebody else is going to assume the cost.”

I know, as George has said, that each case is different, that there are different circumstances, and I understand what you are saying when you say there are different circumstances. But we look for complete co-operation, which I am sure we will get from them in every way, on what costs they might be prepared to assume.

It is not very good for me to negotiate now; I do not think you would really expect me to negotiate from this position, in fairness.

**Mrs. Marland:** In fairness, I expect the Minister of the Environment to protect the environment for my constituents. But this is a broad issue in terms of the implications and I recognize that. Can I then simply ask you, since the work is scheduled to begin in the spring—we are talking about less than six months from now—when will this triparty agreement be established? When will your staff be meeting

with the city of Mississauga and when will Mayor Hazel McCallion at least have the courtesy of knowing this is the intention of your ministry?

1130

**Hon. Mr. Bradley:** That should be at the earliest opportunity, as I say, when the new council is established. I do not think it is a matter of having to swear it in or anything like that. I agree with you that once the council is elected, it is elected and the swearing in does not mean all that much.

**Mrs. Marland:** Mr. Bradley, you are assuming something here that is not right. You are assuming that council would not have made a decision. I want to tell you that council made a decision to build probably four huge municipal projects in the time we have talking about. In terms of dollars, that may have amounted to the same amount of money we are talking about with this cleanup.

The ministry cannot assume whether or not that previous council would have been willing to discuss this. The point is that previous council did not even have an opportunity to discuss it. It is not for you to decide whether they would have made a commitment to be part of this cleanup. It is up to the council to make that decision. You cannot sit back and say, “We must wait for the new council.” That is their business.

**Hon. Mr. Bradley:** In fairness to a new council, though, what we have found sometimes in dealing with a council in transition is that one council has a certain point of view that it puts forward. If, by means of the electorate making changes—it may or may not make changes—new points of view come to the council table, we find sometimes that what we thought was an agreement in fact is not an agreement.

With the election having taken place, there is a new group to deal with there. As you say, many of them—I am not certain whether all were returned, there may be some new people there. I think we are in a position to move quickly. If you are looking for a commitment for an early meeting to discuss this, I think that is a fair request. I want to assure you that will take place.

**Mrs. Marland:** My people want to know their soil is going to be cleaned up. There is one new councillor on a council of 10.

I am going to move quickly to another question because I realize we are running out of time. I asked you last week if you were going to re-establish the select committee on the environment. I did not get an answer to that.

**Hon. Mr. Bradley:** I am not the House leader. You asked me if I can re-establish it. I cannot re-establish it. All those questions—

**Mrs. Marland:** Would you like to?

**Hon. Mr. Bradley:** Sure; I would love to see it.

**Mrs. Marland:** You would like to see it?

**Hon. Mr. Bradley:** All three House leaders, however, are the ones who sit down and make all of these decisions.

**Mrs. Marland:** We will speak to our House leader and with your support—

**Hon. Mr. Bradley:** Those discussions then take place there. I will not get into that. I was going to get into another item. What is interesting is the difference sometimes between what individual members of parties say—all parties—and what their House leaders say when they get to a meeting.

**Mrs. Marland:** Can I just ask you a quick question?

**Hon. Mr. Bradley:** Sure.

**Mr. Chairman:** Excuse me. I really think, to be fair to the people, we are in rotation. These questions are not related to each other, in my view as chairman, so I would like to call on Mr. McGuigan.

**Mr. McGuigan:** Very quickly, there is a new system that has been developed in the United States for separating various components of the waste. It comes from a farm machinery company that during the downturn in agricultural fortunes, starting in 1981, turned from the sale of a machine used to chop up corn stalks and various aftermath of grain crops to develop a machine to chop up and separate various components of waste. It has the great advantage of having a relatively low capital cost, compared to most costs.

The reason I am so anxious to get it in here today is that they are having a one-day symposium on December 1 in the state of Iowa. I will have to give you the details of where it is. I am wondering if the minister could send someone there to evaluate it and come back with a report.

The county of Kent is considering this at the present time. Gore's Sanitation Service at Ridgetown is considering using this equipment. In fact, they are very enthusiastic about it. I think the minister may have already heard from them. I would certainly appreciate it if he could send someone there to attend this, go to the factory and perhaps see one of these things in operation and give us an evaluation of it.

I would gladly go myself but the very next day I have a fund-raising dinner in Chatham and I do not want to be stuck out in Iowa. I have passed the information along to the minister and I would be glad to circulate it. Here are some cost items for the members.

**Mr. Chairman:** It might be better if you kept questioning and let us handle the distribution.

**Mr. McGuigan:** That is really all I have.

**Hon. Mr. Bradley:** We are getting constantly now, almost weekly, proposals for dealing with waste management, such as an appeal on recycling or other ways of managing waste, and some rather innovative proposals are coming forward. I am sure our ministry is always pleased, through the waste management branch and other branches, to be part of the process of evaluating those.

I must caution the member that very often what looks to be attractive as a solution turns out not to be a solution. We have had many—I will not say miracles but some good proposals—provided to us which, when they have been evaluated, have not been solutions. I think what you are asking is that we go through the process of evaluating that and have someone who can at least make favourable or unfavourable comments about it.

It is one of the potential growth industries in Ontario. I have made this comment on many occasions when people talk about the potential for employment growth. They always say, "The Ministry of the Environment is causing us problems in terms of jobs." In fact, the Ministry of the Environment through its regulatory process and other processes has probably resulted in the creation of many more jobs than it is alleged to have been responsible for reducing. I do not believe we do that.

We would be happy to evaluate this particular system. I should ask Hardy Wong if we are in a position through the industrial four Rs to provide assistance if this would meet those qualifications. Perhaps he would come to the table—Hardy Wong, director of the waste management branch. I ask him if that is the case.

**Mr. Wong:** Yes, as a waste reduction processing plant, it is eligible for capital funding, cost funding under our programs.

**Hon. Mr. Bradley:** So an evaluation will take place.

**Mr. McGuigan:** I will pass because I know we are short of time.

**Mrs. Grier:** I will defer to Mr. Pelissero if I will get a chance to ask one question of the Ontario Waste Management Corp. as well.



**Mrs. Marland:** I have one question before we get to OWMC.

**Mr. Chairman:** Is it a long one?

**Mrs. Marland:** No, it is a short one.

**Mr. Chairman:** Would you ask your question, because then we are in the rotation and everything is fine.

**Mrs. Marland:** I wonder if you can tell me, minister, when your staff works with members, let alone your official critic, what your expectation is of them. Is it that members of this Legislature and the critics are to be treated as single individuals or are we to be treated as though elected to represent 85,000 people on average in our riding?

If your staff gets a call, an inquiry or a letter from us, is that processed the way a letter from a single individual resident somewhere in Ontario is processed? In dealing with St. Lawrence Cement last year, I had some very bad experiences where, in one afternoon, I spent three hours on the phone. I was determined to stay on the phone until I got an answer.

I went through Mr. Milne, Gary Gallon and a few other people who were handing me off one to the other. I started about 10 minutes after three and at 20 minutes to six I was still trying to get an answer. The end of all that was that nobody wanted to speak to me. I was trying to find out about the public meeting St. Lawrence Cement was going to have.

I ended up, if you can imagine this, getting a form letter from your staff, supposedly, of course, over your signature. I was so insulted to get a form letter in response to an inquiry I had made, not only as a member of the Legislature but as the member for that riding and as the Environment critic.

I just wonder whether your expectation is that we are treated with form letters. The form letter even said that I could ask my questions at the public meeting. The form letter did not even answer a three-page letter I had written to you, with questions. I got a form letter back, saying: "Go to the public meeting. Find out about the public meeting when you read about it in the ad in the local paper and ask your questions there."

1140

**Hon. Mr. Bradley:** As you know, we are always trying to strive to improve communications between my office and individual members, and between the ministry and individual members. I could go into a little bit of the history of that one as well, but I do not want to get into that battle in the middle of an estimates

procedure, except to say we are always striving to provide that kind of service.

I consider the critics to have a special place. I think other members of the Legislature must understand that the critics should have a special place. In addition to that, I consider individual members of the Legislature should receive good service. We are always striving to improve that. You brought that to my attention some time ago. I appreciated that and I communicated your concerns and my concerns to members of my staff about that.

**Mrs. Marland:** So you would not expect me to get a form letter.

**Hon. Mr. Bradley:** We will try to improve on that. I try, as I did this morning, to provide a personalized letter to you in a timely fashion.

**Mrs. Marland:** Excellent; in a week.

**Hon. Mr. Bradley:** That, I think, is what you are looking for and deserve.

**Mrs. Marland:** I am. Thank you. I appreciate that.

**Mr. Chairman:** I believe Mrs. Grier has a short supplementary.

**Mrs. Grier:** If it is of any comfort to Mrs. Marland, I got a very nice two-page letter from the minister some months ago on an issue, and then three months later, I got exactly the same two-page letter on the same issue, so it depends how you want to be treated.

**Hon. Mr. Bradley:** I am pleased we are consistent. What would happen if you got two different letters on the same subject?

**Mrs. Grier:** Then I would at least know you were reading my originals.

**Hon. Mr. Bradley:** I am going to take one minute to tell you what sometimes happens. Letters come up to me for signature. I read them through. Sometimes I may not agree entirely with all the wording of the letter and I will take it out to reword it. That is where the downfall is with me. It goes into a file folder that I mark "important." Then the shock is finding that file folder, called "important," three months later and recognizing. "Oh oh, the letter hasn't been replied to."

**Mrs. Marland:** But you really do not want us to have form letters, I am sure.

**Hon. Mr. Bradley:** As much as possible, we try to get direct information to members of the Ontario Legislature. I am glad you have drawn to my attention this one instance in our long and cordial relationship over the last three years.

**Mr. Posen:** I have one comment, just to note that occasionally it is the bureaucracy that is responsible for the replies. I hope that if you end up with a form letter from us, it is nothing more than part of a package, attempting to inform you of what has been sent out to the public, as opposed to responding to you with it.

**Mrs. Marland:** I will send it to you.

**Mr. Posen:** However, I recognize situations are going to arise where we put your name on the list with everyone else's and deal with it in the same way. I would hope that would not happen. It is an exception to the rule, in terms of our response.

**Mr. Pelissero:** I have some questions related to the Ontario Waste Management Corp. Just by way of introduction, the riding of Lincoln has been blessed or chosen as a potential site. I am wondering where we are in the process, in terms of the environmental assessment hearing and the kind of criteria we use to establish that process. Then I just have a question around the fairness in the municipality and the region bearing the costs fully for an EA, if it is in fact supposed to be a benefit for all Ontario. I direct them to the minister who may want to direct them to somebody else, possibly to the chairman of the OWMC.

**Hon. Mr. Bradley:** I suppose that is the best way, if Donald Chant, chairman of the OWMC, is called forward by the chairman of this committee.

**Mr. Chairman:** Dr. Chant, would you introduce the other person.

**Dr. Chant:** The other gentleman with me is Michael Scott, who is our director of communications. I understand Mr. Pelissero's first question. Should I proceed?

**Mr. Chairman:** I would like you to have the discussion between the two of you, or among the three of you. I do not interject unless you get off topic. We have one supplementary. Keep that in mind. If the bells start ringing, we have a vote.

**Dr. Chant:** Okay, thank you. As I understand it then, Mr. Pelissero's first question is about where we are in the process. We will be submitting our final draft of our environmental assessment documentation to the minister early next week.

That starts the process of final ministry and agency review, and a whole chain of events stems from that. I emphasize that submitting our final environmental assessment finally removes the timetable from the OWMC's control. The timetable henceforth will be determined by the

ministry, by the review process and especially by the joint hearing board that will be established to conduct the public hearings. These are simply our best estimates of what will happen once that massive documentation, as I am sure you know, Mr. Pelissero, reaches the minister's desk.

We expect that the joint hearing board will be appointed, under the Consolidated Hearings Act, to begin to organize for the public hearings some time in March 1989. We expect the notice of completion of the government review to be issued some time in June 1989, and after the joint hearing board has organized itself, has held public meetings to talk about what the hearing venue will be, what the rules of the game are and so on, we expect the formal aspect of the public hearings will start some time in October 1989.

That is a speculative timetable, I emphasize, because we do not control it. What happens after that is very, very speculative, as I know Mr. Pelissero knows, but if the formal hearing process were to last for, say, 18 months, then we would hope to get cabinet approval of the project some time in February 1991. But that is very, very speculative at this point.

**Mr. Pelissero:** There has been some discussion of the site selection process. Niagara Falls is an example. When you look at some of the ratings that were used, it is in fact the better site, but when you factor in cost facility and interruption to the nearby community, then the Lincoln site floats to the top for a totally integrated facility.

I emphasize totally integrated, because in some of the models—we are certainly using the rotary kiln, as an example. Over in Europe in the HIM plant, destruction is at one facility and containment is at another. I have talked to a number of residents who have expressed concern and said: "If the process is that safe, why not locate it in industrial land? Then let's talk about containment somewhere else."

I would be interested in your comments on that.

**Dr. Chant:** It is very hard to give a short answer, since the question deals with what we have been doing for the last six years essentially.

In short form, the West Lincoln site was judged by all of our consultants and the corporation to be the least risk to human health. The Niagara Falls site was marginally better from the least risk to the natural environment point of view. We have always said that risk to human health was our top priority, and that steered us towards the West Lincoln site.



**Mr. Pelissero:** Just because of lack of population.

**Dr. Chant:** No, not just because of that. There are fewer people on the West Lincoln site. There are four properties, as you know. Only two of them are being farmed actively; three are residential, in total. There are somewhat more people around the site in the nuisance impact zone of the West Lincoln site than there are around the Niagara Falls site. It is a marginal judgement as to which is more important in the final analysis, the human risk or the general environmental risk, and we have been very straightforward about our priorities for human risk over the three and a half years it took us to find the site and then the three years that we have been testing the site.

I think the final comment is that many of these issues are debatable. As Mr. Pelissero knows, we used over 150 different factors in finding these sites. We looked at 152 sites. That is what the hearing process is for. That is where these things will finally be resolved, and the hearing panel will make the judgement as to whether we were correct in the hundreds of tradeoffs we had to do between transportation and air and soil and all the other factors.

1150

**Mr. Pelissero:** Is there some consideration in the proposal that is being put forward by the OWMC for—I know there has been some discussion about the short-term compensation in terms of willingness to buy out an affected radius around the actual site as well as the actual land, but what about long-term implications, in terms again of recognizing that perception tends to become reality, whether we are talking about the vegetables and the wheat crops that are grown around the site of HIM in Biebesheim, Germany and the kind of packaging and the stress that is involved to the community?

This week we have not celebrated but we have recognized the 25th anniversary of Dallas, and as soon as you say “Dallas,” that implies Kennedy’s assassination. We are now having a syndrome in our community. As soon as you say “Smithville,” you are either relating to the proposed toxic waste facility or you are talking about the D and D cleanup. How do we compensate? Is there going to be a recognition for that or are you proposing recognition for that long-term impact on the family and friends I have in the area?

**Dr. Chant:** We have a number of programs that are in various stages of evolution and ultimately many of them will be discussed with and probably negotiated with the people in-

involved. Michael Scott is in charge of the development of those projects. Perhaps I could ask Mr. Scott to provide a brief answer to Mr. Pelissero.

**Mr. Scott:** Two brief answers: First of all, as you know, we have proposed the establishment of a monitoring committee once the plant is in operation. It will involve the community and its purpose will be to keep close watch on the operation of the plant and to stay in touch with marketing boards and agricultural representatives in the area, to make sure that any perceptions or any perceptual problems that are surfacing that have impacts on marketing of various produce in the area are addressed quickly and that we stay in close communication with those people.

On the compensation end of the project, we have focused our compensation program on addressing impacts that the plant could cause as a result of its location, and those are all outlined in detail in the environmental assessment. The one broad umbrella this issue falls under is the grants-in-lieu policy. In other words, because we do not pay local taxes as a crown agency, we will be sitting down with the township and the region and negotiating with them a broad array of compensation packages under the grants-in-lieu policy, which we are estimating could total in excess of \$2 million a year flowing to the region and the township.

**Mr. Pelissero:** That is not individuals, though?

**Mr. Scott:** That is not individuals. We will be talking to all the property owners. As you know, the property value protection program has been proposed, subject to approval. In that context, we will be sitting down with people who wish to stay in their homes in the immediate vicinity of the site and talking about ways in which we can assist them to address any possible impacts the plant is causing.

On the broader question you raise, this has been raised, incidentally, by the regional chairman just in the past few weeks, and we will be communicating with him this week. We are saying that under the grants-in-lieu policy we are prepared to discuss with the region, we think this is the issue. That is where it should be discussed and that is where we want to discuss it, with the region.

**Mrs. Grier:** Dr. Chant, in your appearance before the committee last summer, you talked about the facility breaking even in four or five years. I am wondering if that assessment of how soon you would break even was based on a

pricing policy and, if so, if that policy could be shared with us. I would also like you to tell us how you have reconciled the whole problem of not wanting to price yourself out of the market, because the waste will go somewhere else, but at the same time needing a steady stream of waste in order to keep the facility operating.

**Dr. Chant:** I can give two components of the answer, and then it seems to me that the broader question might better be addressed to the minister. The break-even point is calculated basically on our estimate of how quickly we can reach the full treatment capacity of the plant of 150,000 tonnes per year. We reckon we will reach full capacity in the fourth or fifth year. From that stem the prices that would be required under various financial scenarios to reach that break-even point.

All the prices, under any reasonable scenario that one wants to choose, are reasonable prices. They compare quite favourably with the prices we know are charged in western Europe and some of the prices charged in North America and indeed in Ontario. I do not think, under any reasonable scenario, we are going to reach a point where a break-even price structure would be so outrageous that it would drive waste to other, less satisfactory destinations.

That is under review all the time, and of course the longer we move through the process the more the basic details of the financial plan change. But a very important objective of the whole financial planning and pricing structure is to avoid exactly the danger that you put your finger on, and so far I think we can.

**Mr. Chairman:** Before I call the last supplementary, I would like to put on the record that I propose to call all of the votes, 1501, 1502, 1503 and 1504, all items of all votes.

The other thing I would like to note is that I think we have had a very productive eight hours and I would particularly like to thank the critics, the officials from the ministry and the minister for their co-operation.

**Hon. Mr. Bradley:** See how brief I was.

**Mr. Chairman:** Not hearing the bells as yet, I have one further supplementary from Mrs. Marland that I would like to take before I call the vote.

**Mrs. Marland:** Dr. Chant, at that same hearing of the standing committee on government agencies you talked about the fact that it was a European design that would be customized for Ontario. At the same time, you said you were sending staff to Germany for on-the-spot training

at a facility there. Why are we training staff in a facility design that will be different from the Ontario design, because obviously it is not customized for Ontario, or is it that we are in fact purchasing the German or the European design?

The second part to that is, if we are sending our staff over there to be trained in a German-designed facility, what kind of guarantee and contract do you have that those staff will continue to work for our corporation for a specified period once our plant is up and running?

**Dr. Chant:** I will try three answers. The first is, yes, we are using a basic engineering design, as I indicated in August. As I think I indicated then as well, it has to be tailor-made, not only for Canadian conditions and Ontario waste streams but also to some extent to the exact site. These things are custom-designed, whether they are designed in Europe or in Canada.

Second, the flow with respect to training is two-way. Yes, some of our key staff will go to western Europe for training in the basic procedures and elements of running a plant like this, but part of our contract with the western Europeans is that their key staff will come here and assist us in commissioning the plant in startup and in the basic training of all our staff at this end.

As to what guarantee we will have that staff will stay, of course, we cannot force staff to stay, but we do have contracts with our key professional staff that if they leave us they cannot use the knowledge and experience they gained with us for a period of a year.

**Mrs. Marland:** One year? That is all?

**Dr. Chant:** One year. There is a very fine line here. I am not a lawyer, but I think there is some question as to how far a previous employer can go in insisting that those requirements be met. So far, we have not had a problem.

**Mrs. Marland:** Could we have as a condition of their employment that if we send them to Europe for this specialized training and all the expense that incurs, they have a contract to stay with us for a specified period of time? My goodness, the military do it. If you leave the military before five years, you have to pay back your salary. Can we not have a similar contract?

**Dr. Chant:** We do have provisions such as that. Whether they are enforceable or not is something that would have to be asked of a lawyer.

**Mr. Chairman:** I have to interject, ladies and gentlemen. The clerk tells me that our time has



actually expired completely. At this point I am required to call the vote.

**Hon. Mr. Bradley:** Time flies when you are having fun.

Votes 1501 to 1504, inclusive, agreed to.

**Mr. Chairman:** Shall the estimates of the Ministry of the Environment be reported to the House?

Agreed to.

The committee recessed at 12 noon.

## AFTERNOON SITTING

The committee resumed at 3:35 p.m. in room 228.

### ESTIMATES, MINISTRY OF TOURISM AND RECREATION

**Mr. Chairman:** The chair recognizes a quorum for the estimates of the Ministry of Tourism and Recreation. I would like to review the procedure we will be following, probably for at least the remainder of this afternoon, and give you an indication of the kind of information we need so that we can proceed in an agreeable fashion on the next day, which will be at 10 o'clock next Thursday.

The procedure will be that the minister will give an opening statement that will be responded to first by the opposition critic and then by the critic from the third party. After those two presentations, the minister will get an opportunity to make a further presentation, based on whatever is involved in those two presentations.

At that point, we can go in one of two directions. If we do not do otherwise, we will be talking about vote 3601, which is really the budget-area considerations for the administration of the ministry. This allows you to talk about anything in any one of the five votes. We have five votes in this ministry and the minister, I would imagine, will be addressing each of these five areas in some way in his presentation.

If the critics from the two opposition parties wish to highlight on a time basis one or more of the other votes in particular, we should make that decision before we begin, probably next Thursday at 10 o'clock, because if we are going to time anything it should be by consensus among the three parties and the ministry. If somebody has a personal preference in this regard, he or she could communicate it to me, to the minister or to his staff. As long as we all get the message, we will try to accommodate the wishes of the people.

We have eight hours for these estimates. By the standing orders, when the eight hours are up, I must call the votes. If we choose next day to continue on vote 3601 instead of timing the votes, I will just call all of the votes at once at the conclusion of the eight hours of time.

The ministry has talked to me with respect to this afternoon. The tourism marketing group are going overseas shortly and will not be available next Thursday, so if there are specific questions of that group and if we have time later on in the afternoon, we should probably address those

concerns this afternoon in whatever time we have.

The other thing is that this particular ministry has officials all over the province and if there are particular directors or leaders of agencies under the ministry that we need, you should communicate that to the minister too, so that they can be available for us. Hopefully, this would be done next Thursday morning so that we can sort of do it on a time basis from an economic point of view. This saves us from having a large number of people waiting to testify in front of the committee on behalf of the ministry.

With those opening remarks, I would like to call on the minister to make his opening statement.

1540

**Mr. McLean:** On a point of order, Mr. Chairman: Perhaps you would like to hear from us so that we have a bit of an idea of the procedure. I can inform you now that I will not be requesting anybody across the province to come before us. I think my questions will be directed to the minister and I anticipate he will have the answers for me or will be able to get the answers for me.

My presentation will be a short presentation with several questions added to it. I hope to give you the opportunity to get the answers, because I do not expect you will have them at your fingertips. That is the way I would like to proceed, with a short statement and several questions, and to give you the opportunity to get the answers.

**Mr. Chairman:** Thank you very much for that comment. That has proved in a couple of cases to be an excellent approach to getting the answers you wish from the estimates. Do you have any additional comments, Mr. Farnan, that you would like to make with respect to procedure at this point?

**Mr. Farnan:** No, not really. This is my first time through the ropes, so I will just see how it goes.

**Mr. Chairman:** Good. Thank you very much.

**Mr. McLean:** On a further point, over the years I have been here I have found it to our advantage or to the advantage of the opposition to try to get the questions on the record for the minister to get back with answers, because if you do not get them on the record and get them to the



minister, the estimates are over and done and you have no answers.

**Hon. Mr. O'Neil:** I appreciate the comments made by the opposition critics. I appreciate the approach that has been taken. In case there are some additional questions that might be asked of these different boards and agencies such as the St. Lawrence Parks Commission, the Niagara Parks Commission or some of the other attractions, we will have some of those people here next Thursday if that is okay with the critics. I appreciate your listing questions for us. We will try to have all those answers for you either next Thursday morning or afternoon.

I would like to start off by introducing a few of the people who are here with me today from the ministry. First we have Mr. Cordiano, who is my parliamentary assistant. I would also like to introduce the deputy minister, Jim Keenan. With the ministry, also at the table, is the executive director of corporate management services, Sally Young.

We have Anne McCall, who is the director of tourism marketing, which the chairman mentioned. As the deputy minister mentioned, she will be away next week, so if there are any questions today that you would like to direct towards marketing, we will try to answer those today. If not, we will have the answer for you next week.

Also, we have Bob Brock, the director of tourism development. We have Louise Wickson, director of the communications branch. We have Ellen Mary Mills, who is the director of financial administration. We have John Kerr, manager of the budget planning and analysis unit.

We have Monique Simard, who is the co-ordinator of French-language services; Jim Davidson, director of the human resources branch; Elizabeth Osborne, manager of the employment equity program. We also have George Smitherman and Craig Turner, both on my staff; also Ruth Cornish, who is the director of the strategic policy branch. They are here today for any questions we have or any other assistance the members would like.

If I may, I will begin with my remarks. It is a pleasure to address this committee for the first time as Minister of Tourism and Recreation. I am proud to serve the people of Ontario through these two related fields that will play such a pivotal role in the social and economic future of the province.

We live in an era of transition, an era in which the patterns of work and leisure are changing, technology and markets are evolving, education

levels are rising, the population is ageing and the role of women is changing profoundly.

One result of these social and economic forces is a dramatic difference in what people expect from their leisure time. Today, more than ever, the public demands high-quality, readily accessible leisure experiences. It is our mandate as a ministry to assist the tourism and recreation sectors to respond effectively.

I want to emphasize that the contribution of these two sectors is both economic and social. This year, travel expenditure in the province will approach the \$10-billion mark. Spending on this scale creates an enormous economic impact. Tourism dollars flow into various industries such as construction, retail trade, agriculture and transportation. More than nine per cent of nonresidential construction in 1985 was related to tourism.

Tourism in 1985 directly or indirectly accounted for one out of 10 jobs in Ontario and generated more than \$1 billion in provincial tax revenue. The \$2.2 billion spent by foreign travellers in Ontario made tourism a major export industry, ranking ahead of iron and steel, aircraft parts, office machines and chemicals in foreign exchange earnings.

Recreation also produces significant economic as well as social benefits. The average Ontario family spends more than \$2,300 a year on recreational activities. The municipal and commercial recreation sectors account for about three per cent of provincial employment. Socially, tourism and recreation are essential dimensions of our quality of life. They create opportunities for personal satisfaction through the enjoyment and meaningful use of leisure time. Recreation in particular is a key to wellness and an essential part of a healthy, satisfying lifestyle.

The ministry is now taking action to maximize the return on the province's investment in tourism and to realize the full benefits of recreation, and to do both in a fiscally realistic and responsible manner. We are focusing our efforts and targeting our resources more precisely than ever to obtain the best possible value for taxpayer dollars.

My remarks today, in addition to describing the ministry's current activities, will highlight our future plans and long-term directions. I will also look at some of our major achievements since 1985. Before doing so, however, I would like to draw the attention of the committee to my ministry's involvement next year in a significant commemorative event in Ontario's history.

Through our tourism division, we operate the reconstructed Jesuit mission of Sainte-Marie among the Hurons near Midland. Throughout 1989, we will mark the 350th anniversary of the founding of the first European settlement in Ontario by French and Italian Jesuits and their lay helpers.

Between 1639 and 1649, Sainte-Marie was home to one fifth of the European population of New France, making it not only the first, but one of the most important settlements of that period. During the coming year, we will support a number of events highlighting this birthplace of French Ontario and the first contact between native traditions and skills and European technology and philosophy. I invite all members to share in this very important event.

In highlighting our future plans and long-term directions, I would first like to focus on Toward 2000, the ministry's tourism strategy for Ontario. This document is very much the product of partnership with the leading players in Ontario tourism. Extensive input was provided by the tourism industry through a series of 16 round table meetings across the province in 1986 and through subsequent consultations with trade and travel associations. We have also consulted closely with our sister ministries in developing these new directions.

The tourism strategy will help to guide this key industry into the next century. It is designed to capitalize on the phenomenal growth opportunities now opening up in international travel. The statistics are truly astounding. Tourism is now the world's largest economic sector, accounting for 12 per cent of gross national product in 1987. Between 1986 and 1987, international tourism receipts expanded at almost twice the pace of general economic growth in advanced nations.

Competition for this burgeoning market, however, is fierce. The ministry's tourism strategy is designed to meet this challenge and propel the province upward in the international marketplace. The strategy has six main components.

First, partnerships: The ministry will take the lead in maintaining and increasing a spirit of partnership between government, industry and the public. Within government, we plan to form an interministerial committee for tourism to review and co-ordinate all activities with an impact on the tourism industry. We will strengthen our relationship with the industry. We will take a more systematic approach to actively seek out the kind of tourism developers and investors

Ontario needs, rather than waiting for them to come to us.

## 1550

The second component of the tourism strategy is planned product development to appeal to today's seasoned, sophisticated travellers. We will employ three planning concepts to concentrate and integrate development for maximum impact.

First, we will encourage destination areas, which are locations offering a full cosmopolitan experience with a wide range of attractions and amenities. Toronto, Niagara Falls and Ottawa already fit this description. Their evolution should be fostered and other destination areas introduced.

Second, we need strategic access points or service centres that provide access and support facilities for wilderness and other tourist experiences in the surrounding area. We will highlight communities like Kenora and Timmins as tourism gateways to our vast and diverse province.

Third, touring routes will remain an essential feature of our tourism draw. We will create more themed routes linking a number of attractions and visitor services.

The next element in our tourism strategy is the active pursuit of major events that not only generate an immediate impact, but also build our image as a tourism destination. The economic summit of the world's leading industrial nations, hosted by Toronto last June, could well represent the first in a series of high-profile international events.

For instance, we have announced a three-year commitment to support Toronto's bid to host the 1996 Olympic summer games and we have created a liaison unit within the ministry to co-ordinate the provincial government's involvement in the bid.

Similarly, our celebration of the 350th anniversary of Sainte-Marie among the Hurons is expected to attract visitors from throughout the country, and in particular from Quebec. The World Cup ski jump championships in Thunder Bay also attract thousands of visitors to this prestigious world competition each year.

It would be hard to overestimate the importance of our fourth strategic direction, excellent customer service. This is a prerequisite for keeping today's experienced travellers coming back to the province. The challenge is to strengthen training, recruitment and human resource planning in the tourism industry to build a skilled and a professional workplace. We will



also improve information services to speed the flow of tourism information about Ontario in our key markets within and outside the province.

The fifth component in our tourism strategy is marketing. Modern tourists are more mobile and more affluent than ever, creating an opportunity to reach far beyond our traditional markets. We intend to cultivate our domestic market more intensely by promoting short, escape vacations to upscale Ontario residents. We will expand our reach into the prime United States market from 350 miles of the border to 500 miles, and we will target lucrative, long-term markets such as the United Kingdom, West Germany, France and Japan.

Finally, under the tourism strategy, we will promote and enhance Ontario's regional tourism assets. Each region of the province has unique features that appeal to tourists, ranging from outdoor adventure to historical sites to vibrant cities. The ministry will work with local partners to develop the attractions and the amenities and to protect the natural and urban environments that tourists enjoy.

Let me emphasize that tourism has the potential to generate wealth for every region of the province. Our tourism strategy, I am convinced, will help guide and synchronize public and private sector efforts to realize the full potential of this vitally important industry.

As we move towards 2000, we are building on a solid foundation of economic success. The statistical indicators show that Ontario's tourist industry this year has remained vibrant and buoyant.

Despite the stronger Canadian dollar, US travel to Ontario has seen five consecutive years of real growth. In fact, between 1982 and 1986, real US spending here increased 34.5 per cent. Overseas travel to Ontario, while growing less rapidly than in the past two years, still increased an impressive 12.7 per cent to the end of August, compared with the first eight months of 1987. For instance, the number of Japanese visitors to Ontario increased 20 per cent and the number of visitors from the United Kingdom increased 12.8 per cent.

In the home market, our new Ontario Travel Monitor, a monthly telephone survey of Ontario resident travel, indicates a strong upward trend, according to early estimates. Final results of this new study will be available in a few weeks.

The ministry's marketing and development programs have contributed to this strong performance by Ontario tourism and laid the ground-

work for the new directions in the tourism strategy.

In 1986 we introduced the "Ontario Incredible!" marketing campaign, designed to transform high consumer awareness of Ontario tourism into actual trips taken and dollars spent. To stimulate sales, we adopted a more retail, product-specific approach to marketing.

I want to stress that in the fall of each year we hold consultations with the industry to review the current campaign and begin planning for the year ahead. This process gives Ontario tourist operators the opportunity to directly influence our marketing strategy. They also give invaluable advice.

In planning the 1988 campaign, we gave a great deal of thought to what and how our customers are buying. Based on information compiled by our newly strengthened market research unit, we divided tourists into four main categories reflecting the style of vacation they purchase and the benefits they seek. These four types are: touring, outdoors, drive-stay and city trip. We then positioned our advertising to appeal to each of these different categories of traveller in the Ontario, US and Manitoba markets.

Television commercials presented the advantages of getting away with the family for a great touring vacation. These were backed up with newspaper ads giving specific information on how to plan routes. In the US, the print ads stressed Ontario as a friendly, yet foreign, destination.

To promote fall touring, we repeated the successful 24-page fall newspaper insert in Ontario and the US. The fall season is now almost equal to summer in volume of customer calls to the ministry's telemarketing centre.

To reach outdoor enthusiasts, we targeted three specific market segments. We went after avid anglers through specialty magazines, sport shows, Breakfast with Babe Winkelman promotions and other vehicles. Through print advertisements, we reached people seeking what we call a soft wilderness experience, an outdoor-oriented vacation where food and accommodation amenities are also important; and we worked to keep our traditional family outdoors market coming back to Ontario campgrounds and cabins.

We told vacationers in the drive-stay category about Ontario's incredible choice of resorts and lodges where you can relax and get away. Television and newspapers got the message across.

Finally, we capitalized on the tremendous appeal of Ontario's clean and friendly cities in

the US market. We ran a print campaign highlighting our cultural attractions, multicultural flavour and shopping and other urban amenities.

A special priority has been the Quebec market, which we re-entered in 1987 and 1988 after a four-year absence. We have backed a television campaign with newspaper ads and billboards reinforcing the theme, "Come see how Ontario has changed." At this stage we are building an image, but the results are already being felt as inquiries and visits from Quebec continue to increase.

To reinforce and extend the impact of our advertising, we aggressively seek unpaid editorial coverage. Our Media on Special Tour or MOST program hosts and handles logistics for selected journalists covering Ontario tourism.

The Toronto economic summit proved a media bonanza. We hosted journalists from around the world and generated more than \$2 million worth of press on Ontario tourism immediately and much more since.

We are focusing on the travel trade in North America to grow what we regard as investment markets. Last year we organized Ontario marketplaces in New England and California that put our tourist operators in touch with US wholesalers, tour operators and travel agents. These ventures, the first Ontario travel marketplaces ever held on American turf, were so successful we are repeating them again this year.

As indicated in the tourism strategy, we are targeting key international markets. We have hired advertising agencies and public relations firms in Japan, the United Kingdom and West Germany for the first time and will do the same in France this fall. We are introducing a custom-made marketing campaign for each country.

## 1600

**Joint marketing with Quebec:** We have joined forces with the province of Quebec to increase our penetration of the UK and the Japanese markets. Under a three-year agreement beginning in the fall of 1987, we have introduced the concept of Ontario and Quebec as a combined destination and provided for joint promotional activities to support this new "product line."

The federal government has participated as a full cost-sharing partner in the program this year and last. Air Canada is participating as a full partner in the UK campaign this year. We plan to involve other wholesalers and carriers in marketing ventures in both markets.

The ministry's customer sales and service staff are, in effect, our sales force. These are the

people who talk directly to customers in our telemarketing centre in Toronto and at 36 travel centres around the province, as well as at our Highway 401 information centres. This year we introduced the 1-800-ONTARIO telephone number in all our broadcast advertising. We will expand its use in future. It is estimated that the switch from a phone number to the word "Ontario" can increase response by more than 20 per cent.

The best advertisement, however, is a satisfied customer. The ministry's tourism awareness and hospitality training program is now training workers at all levels of the tourism industry to make an extra special impression on visitors. In the past year, more than 5,300 staff have been trained in customer service through one-day workshops. An additional 1,700 managers and senior personnel have completed the two-day program which qualifies them to deliver the course to their own employees. We are advancing toward our goal of making Ontario the hospitality province.

Now let me turn from the demand side of the industry to the supply side. The \$59-million Canada-Ontario tourism development agreement, or COTDA, is reinforcing Ontario's position in the world travel market. This five-year agreement expires in October 1989. The two governments are now discussing the possible extension of the program with additional funding and appropriate changes to its operation.

Since its inception, COTDA contracts have provided \$35.4 million in assistance to six product development projects with a combined cost of \$248.1 million. Together these six major projects are expected to generate 2,371 person-years of employment in the construction industry, 1,786 permanent tourism jobs in operating and facilities, and some \$6.00 in new private sector investment for every dollar of government support.

Developments funded by COTDA such as Cranberry Village near Collingwood, the Inn at Horseshoe Valley near Barrie and the Pinestone Inn and Country Club in Haliburton are giving Ontario year-round destinations with brand-name appeal and international drawing power. As well, COTDA program support for the development of recreational facilities, such as golf courses or indoor recreation centres, is provided on the condition that these facilities be open to the general public as well as to guests.

The federal-provincial program has also supported eight feasibility and planning studies. An example is the current study by Calabogie Peaks



(1983) Inc. on transforming a major eastern Ontario ski facility into an all-season destination resort.

Nearing conclusion is a study commissioned by the COTDA management committee to create a model for gauging the economic impacts and financial assessments of proposed tourism investments. We will soon be able to obtain computer printouts of financial forecasts and economic benefits based on the type, size and region of the proposed development. This will place us in a better position to maximize the returns on government assistance under COTDA and other tourism financing programs.

Visitors and residents are turning to sports, fitness and recreation for relaxation and fulfilment during leisure hours. The wellness concept recognizes the link between lifestyle and personal wellbeing and encourages individual responsibility for lifestyle choices. Recreation, physical and nonphysical, competitive or noncompetitive, is an essential part of healthy living.

It is estimated that about one one quarter of the province's health care budget is spent creating preventable lifestyle-related diseases. High quality recreation programs have been shown to reduce these costs by half. The ministry works with municipalities, volunteer groups and the private sector to provide recreation choices and promote wellness throughout Ontario.

In early 1987 cabinet approved a community recreation policy that creates a framework for the long-term development of recreation in this province. It followed extensive consultation with municipalities and recreation organizations over several years.

The policy has three overriding goals. It calls on all recreation partners, both public and private, to co-operate and co-ordinate activities; it stresses the need to promote wellness and help people adjust to social and economic change; and it urges the partners in recreation to provide a broad range of opportunities to all segments of the population.

Following up on the policy, my ministry took the lead in creating an interministerial co-ordinating committee linking 10 ministries which have an impact on recreation. In the spirit of the new policy, the government has transferred administration of the Parks Assistance Act from the Ministry of Natural Resources to my ministry. This legislation provides for financial assistance to municipalities to develop natural beach areas and campgrounds. The program rounds out my ministry's support for community recreation.

Each year the ministry makes a substantial financial investment in Ontario's recreation system. In 1988-89 alone we have budgeted \$28 million for new recreation facilities and conservation of existing plant. In addition we will commit several million dollars to support planning, facility management training participation and leadership development and other noncapital projects.

The ministry is now moving to ensure that these significant annual expenditures and recreational facilities and programs support the three goals of the community recreation policy.

In March we released a discussion paper on future directions for our financial assistance program. This document was examined at 10 full-day meetings, two in each Ministry of Tourism and Recreation region, with municipal officials and recreation staff, volunteer board members, native bands and other recreation clients. We also met with the Parks and Recreation Federation of Ontario and the Association of Municipalities of Ontario.

We are now reviewing this feedback and expect to introduce appropriate changes to our financial assistance programs in the 1989-90 fiscal year. I might add that the principles proclaimed in Ontario's community recreation policy are winning national acceptance. Other provinces are using our approach as a model.

The federal-provincial conference on recreation in early November released a national recreation statement. This will clarify the roles of various levels of government and reinforce the three directions expressed in Ontario's policy.

Volunteers are more than the backbone of recreation; they are very much its sinews as well. Volunteer boards, for example, govern all 76 provincial sport organizations in Ontario, and volunteer coaches, officials managers, and trainers, conduct almost all amateur sports programs. Volunteers also energize municipal and non-profit recreation activities of all types.

The ministry is determined to ensure that the volunteer contribution counts for as much as possible. We have commissioned a study on the status of volunteerism in sport, fitness and recreation in Ontario. The project, featuring in-depth interviews with recreation professionals and volunteers, should be completed by the end of March.

The study will highlight trends in volunteerism and the needs of volunteers and the organizations they serve. It will suggest initiatives to sustain the vitality of the volunteer sector.

Ontario's population of older adults is growing rapidly. The ministry has adopted a holistic approach to recreation. Older adults will be encouraged to plan ahead to preserve their health, manage finances and get the most enjoyment from leisure time.

In February the ministry sponsored regional conferences, in French and English, to train 170 local leaders to deliver a model retirement planning program. These participants are now spearheading the introduction of the retirement planning concept in their communities and we will support their efforts with a public awareness campaign from November through February to encourage people to participate in local programs.

## 1610

In March the ministry sponsored what is being hailed in some quarters as the conference of the decade on ageing. The province-wide symposium, called Initiatives, attracted 310 delegates to Ottawa to learn about exciting new programming concepts appealing to today's active generation of older adults.

To continue the momentum, seven regional events will be held over the next few months in Ottawa, Toronto, Thunder Bay, Sault Ste. Marie, Windsor, Belleville and another central Ontario community, to plan local initiatives at these different meetings. These will be followed in February and March by regional training sessions to meet needs identified at the symposium and at the planning events.

In line with the government's strategy in multiculturalism, the ministry held a series of regional workshops last year on the recreation needs of older adults in ethnic communities.

These sessions have sparked a number of innovations, such as the enrolment of recreation leaders in training courses in cross-cultural communications.

The economic impact model for municipal recreation recently released by the ministry is attracting great interest. We are arranging seminars around the province to explain how to use it and it appears 30 to 40 events will be required to meet the demand.

The model, available in booklet form or on computer disc, takes the user through a series of calculations to assess the economic implications of municipally supported recreation activities. The analysis serves as a useful planning tool for local governments.

Going on to a new subject dealing with the Olympic achievements: Of course, 1988 is an Olympic year. The ministry notes with pride that

Ontario provided 45 per cent of the Canadian contingent to the summer games in Seoul, and that Ontario athletes accounted for 60 per cent of the Canadian medals.

They were led by Lennox Lewis, who won the gold in super heavyweight boxing, Egerton Marcus, who took the silver in middleweight boxing, and Victor Davis and Sandy Goss, who were members of the men's 400 metre medley relay swimming team that won a silver.

Lori Melien, Allison Higson and Jane Kerr earned a bronze as members of the women's 400 metre medley relay swimming team. Cynthia Ishoy, Eve Marie Pracht and Ashley Nicoll won a bronze as members of the equestrian team dressage.

Frank McLaughlin and John Millen won a bronze medal in the flying dutchman yachting event, and Dave Steen won a bronze in the decathlon, the first Canadian ever to win a medal in this event.

Of the 169 Ontario competitors in Seoul, some 40 participated in the ministry's Best Ever Ontario elite athlete assistance program at some time over the past four years.

We are equally proud that Ontario athletes made up more than one third of the Canadian team at the Winter Olympic Games in Calgary. And we salute the silver medal performances of Ontario figure skaters Elizabeth Manley and Brian Orser.

It was an honour for me to attend both the Calgary and the Seoul Olympics, to cheer our athletes and bring best wishes from Ontarians.

The 1988 Olympic Games story would not be complete without mentioning the para-Olympics for disabled athletes, also held in Seoul.

Due to our regional and provincial games programs for the physically disabled, Ontario sent a total of 51 athletes to South Korea as part of Canada's team. There were 11 amputees, 8 blind, 14 cerebral palsy and 18 wheelchair athletes from Ontario.

This talented group of young men and women won 12 gold, 10 silver and 21 bronze medals, competing against the best disabled athletes in the world. I am proud of these athletes and medalists.

It is also worth noting that, in addition to that large medal count, Ontario athletes set nine world records.

These athletes, as well as our winter and summer Olympians, will be honoured at our provincial sports awards banquet next April.

The nurturing of high performance athletes is only one dimension of the ministry's sports and



fitness mandate, however. Most of our efforts are aimed at creating opportunities for all Ontarians—including members of special target groups—to participate in physical activity.

In June, we launched the Keeping Pace fitness walking program for older adults.

**Mr. McLean:** A point of order. Are there some parts left out of our copies of this material.

**Hon. Mr. O'Neil:** No, we decided at the last minute to add the part on the para-Olympics.

**Mr. McLean:** I thought I was awake; I was not sure that you were.

**Hon. Mr. O'Neil:** Sorry about that. I thought you were talking about the walking for the older adults, like us.

Again, partnerships ensured the success of this important initiative, and I wish to note the invaluable support we received from my colleague the Honourable Mavis Wilson, the Minister without Portfolio responsible for senior citizens' affairs.

In August, the second Ontario Senior Games, in Brampton, welcomed 2,000 competitors from around the province. The provincial event followed preliminary regional games that attracted 30,000 participants. The ministry has supported the development of competitive opportunities for older adults since 1982.

This year also the ministry expects to finalize a provincial policy on women in sport and physical activity. An extensive consultation process has been under way with women's sports and recreation groups through regional meetings around the province. The provincial policy will deal with such key issues as opportunities for participation, competition and leadership and the provision of resources for women's activities.

We also encourage participation by physically challenged people through grants for specific projects and ongoing support to sport associations for disabled athletes. The Disabled Athlete of the Year Award, which in 1987 went to wheelchair champion Ron Robillard, recognizes the competitive achievements of physically challenged persons. These projects also involved partnerships, and I wish to note the support and assistance we received from one of my honourable colleagues, Remo Mancini, the Minister without Portfolio responsible for disabled persons.

We are increasing the opportunities for Franco-Ontarians to participate in physical recreation activities in their own language. That is why we are supporting the Franco-Ontarian sports and fitness resource centre, Franc-o-Forme, at the University of Ottawa. We have

shown our commitment to this new resource by helping to fund the centre's first year of operation. This facility, which opened in May, provides access to information about sports and fitness activities conducted in French. It will be an invaluable catalyst for the development of a Franco-Ontarian sports and fitness network across the province.

This year, we have increased our support for the Conference of Ministers of Youth and Sport of Francophone States. We view this organization as a vehicle for Franco-Ontarians to become involved in international sport activities, such as the four development projects taking place in Africa this year. The ministry is also working to arrange participation by Ontario athletes in the first Francophone Games, scheduled for July 1989 in Morocco.

In an exciting initiative to motivate and educate people about a active lifestyle, the ministry is cosponsoring the current Sport exhibit at the Ontario Science Centre. It combines a graphic display of the science of sport with the famous hands-on approach of the science centre. The exhibit is drawing huge crowds and encouraging people to participate in sports and fitness. This innovative project is also boosting the science centre's broad appeal as a major tourist attraction.

Just as partnership with the private sector is an underlying theme of the ministry's tourism programs, corporate sponsorship ranks as a key priority in sports and fitness. We enlisted the corporate sponsors for the Keeping Pace fitness program and for the International Conference on Exercise, Fitness and Health in Toronto in May of this year.

We are also helping the 76 provincial sport organizations we fund to gain private and corporate sponsorship of their programs. While many good corporate citizens are already making a vital contribution, we must recruit even more to keep Ontario's sports and recreation system among the best.

The ministry is strongly committed to revising the disturbing trend in sports-related injuries. This fall, we created a new advisory committee on safety as the successor to the Ontario Sport Medicine and Safety Advisory Board. This group will provide the ministry with expert guidance in the safety issues to be addressed by the amateur sport and fitness community.

We are proceeding with a series of safety measures this year, such as the preparation of risk management plans by all provincial sport organizations, the development of databases on injuries

in up to 20 sports and the introduction of a public awareness and education campaign on the need for better safety practices.

## 1620

Dealing now with the Toronto Olympic bid, high-profile sporting events promote both tourism and recreational objectives. As I said earlier, the provincial government has made a three-year commitment to support the preparation of Toronto's bid for the 1996 Olympic games. An Ontario Olympic secretariat within my ministry is co-ordinating the involvement of several ministries with the Toronto Ontario Olympic Council, which is developing the bid.

This August, Hamilton sampled the social and economic benefits that a major sporting event can provide by hosting the Ontario Summer Games. This event drew 3,000 athletes, coaches and officials, plus thousands of spectators. In March, North Bay will welcome a similar number to the 1989 Ontario Winter Games.

The ministry reaches tourism and recreation clients through 23 local offices in Ontario's five regions. Operations consultants based in these offices process applications for financial assistance and provide expert advice to businesses, industry associations, community groups and municipalities. They also act as advocates for tourism and recreation in dealing with other ministries at the regional level.

Over the past two years, we have made a major investment in upgrading the financial analysis skills of our operations consultants. Some 82 staff have completed a two-week course through the University of Western Ontario. This professional development will help our consultants meet the demand for greater accountability in the management of government loan and grant programs.

In 1986 the ministry introduced the Destinations North and Destinations East initiatives to tailor government support of tourism to regional needs. I am proud to report that both these initiatives, delivered by our operations offices, have had resounding success. Destinations East is helping operators in eastern Ontario modernize the tourism plant to boost international competitiveness. Since the program's inception, incentive loans valued at \$4.5 million have assisted capital construction and commercial marina projects involving a total investment of \$10.4 million. Principal and interest payments on these loans may be deferred for up to five years.

In addition, Destinations East has supplied grants totalling \$1.7 million for festivals and

events, feasibility and planning studies, marketing and investment sourcing projects.

Destinations North is helping to diversify the economic base of northern Ontario by encouraging development of quality resorts and travel generators. Since inception, capital construction loans—again with payments deferred for up to five years—have totalled \$6.9 million. This government commitment has resulted in \$15.4 million in tourism investment.

The Ministry of Tourism and Recreation's operations offices also administer the tourism component of the Nordev or northern Ontario regional economic development program funded by the Ministry of Northern Development. Since its introduction four years ago, Nordev has channelled \$7.7 million to support feasibility and planning studies, the marketing of facilities and the promotion of events and attractions. \*

Another initiative custom-made for the north is the NOTICE or northern Ontario tourist information centres enhancement program. Over a five-year period, four ministries are investing \$15 million to improve roadside amenities for highway travellers. This is an excellent example of the kind of government teamwork our new tourism strategy will encourage. Thus far, 11 capital grants have been awarded to municipalities or nonprofit groups to build or improve travel information centres. In addition, NOTICE will be developing four new roadside rest areas and has upgraded 54 existing rest stops along major northern highways.

To capture the flavour of the ministry's impact at the community level, I would now like to cite a number of initiatives we are supporting through our operations offices around the province.

In the Ottawa area, Centre Elizabeth Bruyere is providing fitness programs to francophone senior citizens in rural communities with the help of a Wintario development grant. The capital funds have been awarded to construct the Alex Dayton Activity Centre for older adults in a highly accessible shopping mall location.

Also in the eastern region, Destinations East this summer supported the Peterborough Festival of Lights for the second consecutive year. Our grant backed an advertising and promotional campaign that helped attract 30,000 to 40,000 people to the city's downtown core during 13 nights of entertainment and celebration.

In the southwest, the ministry is advising the Stratford Festival on the tabulation and analysis of an exhaustive customer survey conducted last year. The results are expected to help the festival



target its products and marketing to an expanded audience.

I would like to now deal with opportunities for the physically challenged. Projects to encourage participation by physically challenged persons are receiving priority in all regions. In the northeast, for example, a Best Ever grant supported the Invitational Funshine Games for the Physically Disabled in North Bay, an event designed to introduced participants to various sports in a noncompetitive environment.

Central region is planning three sessions under the ministry's Project Challenge program. These events will provide the tourism and recreation industry with a clearer understanding of the leisure needs of the physically challenged consumer. We will also present guidelines for improving access to facilities.

In regard to training events, the development of human resources also ranks high on our agenda across the province. Last year, nearly 11,000 ministry clients enrolled in a total of 478 workshops and seminars arranged by our operations offices.

Events this year have included a week-long seminar in Winisk for native goose camp operators along the James Bay and Hudson Bay coastlines. The native tourist operators received training in business management, hospitality, record-keeping, marketing and wildlife regulations.

In the southwest, we joined with local groups to sponsor a training workshop for summer recreation supervisors such as day camp directors and swimming pool supervisors. Central region is planning a senior management workshop on recreation trends and issues for some 50 parks and recreation commissioners from large municipalities.

**Mr. Farnan:** Excuse me, Mr. Chairman. I wonder if the minister would like to take a five-minute break. I think this is quite an exhaustive exercise. I commend you on your ability to stay with it, but I think I would be happy if we were to break for five minutes and come back and finish it.

**Mr. McLean:** Don't let him off that easily.

**Mr. Chairman:** It is up to the minister, but there are only six pages left, Mr. Farnan.

**Hon. Mr. O'Neil:** I appreciate that.

**Mr. Farnan:** Okay. I am sorry.

**Hon. Mr. O'Neil:** The Conservative critic says that he wants to keep right after me—

**Mr. McLean:** I didn't say that.

**Mr. Solá:** Yes, you did. They have it in Hansard.

**Hon. Mr. O'Neil:** I will continue.

I would like to deal now with agencies and attractions. The 11 operating agencies and attractions that report to the ministry provide valuable tourism and recreation opportunities and contribute significantly to the quality of life in the province. These attractions can be the focal point for some of the major events we are seeking under the tourism strategy.

For example, Big Thunder National Ski Training Centre and the city of Thunder Bay recently finished a close second in the bidding to host the 1993 World Nordic Ski Championships. The ministry provided a grant to the city to support the bid. The excellent showing places Thunder Bay and its world-class ski facilities in a strong position to land the 1995 event.

Meanwhile, Big Thunder continues to play annual host to the World Cup ski jumping championships, which, by the way, take place next week. It is sanctioned by the International Ski Federation to hold world ski jumping events, cross-country, freestyle, nordic-combined and alpine events.

As I mentioned earlier, Huronia Historical Parks is preparing to commemorate the 350th anniversary of Sainte-Marie among the Hurons, the first European settlement in Ontario. The celebrations will highlight the interactions of native and French cultures and their contribution to Ontario's subsequent development.

Old Fort Henry in Kingston, operated by the St. Lawrence Parks Commission, this summer marked the 50th anniversary of the Fort Henry Guard, which is world-famous for ceremonial retreats and other pageantry. The fort recorded a 30 per cent increase in adult bus tour attendance this year. Upper Canada Village near Morrisburg, another commission attraction, registered a 55 per cent gain in the adult bus tour market.

#### 1630

In Thunder Bay, Old Fort William is making plans for a new \$5.4-million visitor services centre that will greatly enhance amenities at the site. The living history experience was enriched this year with the introduction of the historic wagon ride program, which drew more than 13,400 participants.

It has been a great year for outdoor recreation. The Niagara Parks Commission, which oversees the Canadian Niagara Falls and environs, recorded a six per cent increase in attendance at its revenue-producing facilities this summer. The commission is now looking towards the next

century and is preparing a long-range plan, following extensive consultations with tourism associations, municipalities, the business community and the public.

The St. Clair Parkway Commission reports another banner year, with the Sarnia Bay marina in particular remaining a strong attraction for transient US boaters.

Ontario Place, the popular leisure complex on Toronto's waterfront, has now drawn more than 48 million people since opening in 1971. A survey taken in 1987 indicated that 96 per cent of the visitors thoroughly enjoyed their experience at the site. Plans are under way to make Ontario Place an even more exciting attraction.

The two convention centres operating as ministry agencies continue to excel. The Ottawa Congress Centre expects to reach an occupancy rate of 64 per cent in 1988-89, up about five points from last year. The building is essentially booked to capacity and a feasibility study for a major expansion is under way.

The Metropolitan Toronto Convention Centre is also fully booked, with 75 per cent occupancy projected this year. The facility hosted the Economic Summit of major industrial nations in June and was headquarters for the 21,000-delegate American Bar Association convention in August. The centre's annual economic impact is estimated at more than \$115 million.

The Ontario Lottery Corp. develops and manages lotteries on behalf of the province to raise funds for public purposes. It continues to investigate new game innovations and promotions to appeal to its players and ensure revenues for distribution by the government.

The Trillium Foundation provides voluntary social service agencies with access to lottery proceeds. Since its creation in 1982, the volunteer-run foundation has granted and pledged more than \$77 million to provide province-wide social services and to local branches of social service organizations in northern Ontario.

The foundation for all these achievements is a strong ministry organization guided by effective management systems. We have made human resources a high priority. This year, we have developed a succession planning process, essentially a management development program, and an operational planning process, which translates our human resources strategy into short-term goals. Both these initiatives will be implemented in 1989-90.

Last year, the ministry adopted an employment equity strategy with the ultimate goal of ensuring that our workforce reflects the Ontario

labour force as a whole. This year, we are beginning to carry out a three-year operational plan to turn the strategy into action. Key initiatives include a half-day orientation seminar—for all managers—on employment equity. In addition, a consulting study will review the ministry's employment policies and practices to identify barriers to equitable participation of target groups.

Other highlights in our internal support areas in 1987-88 include: the completion of an information technology strategic plan for the ministry as a whole; the introduction this fall of an in-house purchasing function to replace a shared service with another ministry, and the development of a ministry-wide implementation plan for providing services in the French language.

Last year, we engaged a team of consultants to make recommendations for improving our strategic planning process. We are now implementing a new approach to strategic planning, as recommended in the report. Our objective is a synchronized and fully integrated corporate planning system. This system links strategic planning with operational planning and the ministry's other planning systems, such as resource, human resources, employment equity, information technology, communications and audit planning.

The integrated planning framework will help set and achieve ministry goals, strategies and objectives, while establishing a clear accountability and an emphasis on achieving results. It will also enable us to set priorities more effectively in a climate of limited resources and rapid social and economic change.

In conclusion, the Ministry of Tourism and Recreation is working to create a variety of leisure opportunities so Ontarians can find enjoyment and personal satisfaction in their nonworking hours. We are assisting the tourism and recreation sectors to realize their vast economic and employment potential. As we pursue these objectives, we are meeting the government's commitment to respond to the needs of women, senior citizens, multicultural communities, physically challenged persons and Franco-Ontarians.

I look forward to a constructive dialogue with the committee on how the ministry can best contribute to the quality of life, work and leisure in Ontario as we approach the 21st century.

**Mr. Chairman:** In recognizing Mr. Farnan, I would like to point out again that this is an opportunity to react to the opening presentation.



Particularly, I think, the minister would appreciate, if there is additional information required, that you specifically ask for that so it might be provided over the next week before the next meeting.

**Mr. Farnan:** First of all, I would like to commend the minister on his estimates speech. I often wondered as a rookie MPP what the criteria were for selecting members of cabinet. I realize that endurance in some form of reading test must be an important factor. However, I do want to commend the minister. I would like to take this opportunity to thank the minister for the courtesies that he has extended to me as critic.

I recall my early, nervous days at Queen's Park when you made me welcome and the briefings that you provided from your ministry staff. That was very important to me and I appreciate it. I want to thank you for the advance notice in terms of providing the estimates speech in advance. I think that also is a courtesy that helps us as critics. I think, being generally a decent man, I want to thank you for your graciousness, both in the House and informally in our meetings, and for your straightforward response to questions in the House. Minister, you are my hero. When I grow up, I want to be just like you. I would like your job also. I hope you do not mind my saying that.

I think this is an appropriate time also to commend the ministry's staff, the talented, skilled and professional people whom all members of the government and opposition appreciate for delivering services efficiently to the public.

Again, this is my first experience. I know you have probably burned the midnight oil putting this speech together. I know I spent a couple of nights putting my package together. The fact that you are able to do this and type it all up without an error is just extraordinary. Again, it just heightens my admiration for you.

I have come to admire also the government's ability in terms of developing language. The estimates speech, to some extent, reminds me of a throne speech. There is very lofty language. You will forgive me if I say that sometimes it is a little bit self-congratulatory, but that is understandable perhaps. It is optimistic. Perhaps it is lacking in any acknowledgement of areas of critical concern.

1640

I do not believe for one moment, Minister, that you have a blind spot to the areas of concern. I know that you do not. I suppose it is just that it is not perhaps appropriate that these would become the substance of the speech. There are, I think, a

lot of things we have to commend the ministry on, and we should, because there are a lot of good things happening.

There is the element of a fairy tale when we examine a briefing speech—I just read a couple of estimates briefing speeches in different ministries—but only the ending of the fairy tale, where all is beautiful in the garden and we all live happily ever after. Jack being chased by the giant does not appear; however, part of reality is that there are concerns and problems.

I would like to take a little bit of time to present to you, Minister, a couple of areas that I have concerns about. In terms of language, I have to comment that I have been a great admirer of Mr. Peterson's language, such as "world-class," "centres of excellence" and "Premier's Council." As you were reading the speech, I was circling a couple of terms: "Ontario-Incredible!" "Best Ever," "Ontario élite," "brand-name appeal" and "international drawing power."

It is wonderful language, and I wish I could draw on your assistance in putting together my next householder, because I really think it would be splendidly received by the residents of Cambridge.

**Mr. Cordiano:** Have the minister's picture appear in your householder. That will be great.

**Mr. Farnan:** If I could stand alongside the minister, I would be thrilled. I know that the minister is held in great repute, not only in Cambridge but across the province.

**Mr. Chairman:** Does the minister have a photographer available in case Mr. Farnan changes his mind in the next little while?

**Mr. Farnan:** In responding, I may appear to overlap territories of other ministries. I want to beg your indulgence, but I think the minister himself has recognized within his presentation that there is a great need for interministerial co-operation in developing plans for the future. There are a couple of areas that I want to register my concern about. I think they may appear to be leading us off into other ministries, but I do believe that unless we get this kind of interministerial approach, we cannot solve these problems.

I want to start off with some of the information that was presented by the minister. I think the minister emphasized the importance of tourism to Ontario. There is no question about this. It is important to Ontario; it is important to Canada. I see it as being particularly important to the have-not provinces. But it is important in the world, and you recognize that also within your speech, on page 5.

I am not going to repeat all the statistics. At one stage, I was going to do that, but because you are such a nice man, I thought we would save all that and I am going to put that aside. Also, I am conscious of the fact that my colleague wants to get some questions on the record before the evening is closed.

We do have some correspondence that went to the Premier (Mr. Peterson). It raised a very fundamental question as to why there is no representative from the the hospitality and tourism sector on the Premier's Council.

I want to look at the letter that was sent to the Premier from TNT Enterprises, financial consultants and tourism specialists. It reads:

"Dear Mr. Peterson:

"Recent articles have made it clear that you and your associates are missing a major bet: tourism, the world's largest business, having recently surpassed arms. Not one representative from the hospitality tourism sector of our economy is on your council—mostly high-tech people."

I have a lot of information, again recognizing the dollar value. I think perhaps I would just make one quotation here: "Renowned economist Herman Khan predicted that tourism would be the world's largest industry by the year 2000.

**Mr. Chairman:** Mr. Farnan, I thought you were going to be reading the letter into the record. I wonder, has the minister been copied on the letter?

**Mr. Farnan:** Mr. Peterson received a copy, and I am sure that on an issue like this Mr. Peterson would send a copy to the minister.

**Hon. Mr. O'Neil:** Maybe the members of the committee might like a copy, Mr. Chairman. I would not mind one myself.

**Mr. Chairman:** Just what I was going to ask. Perhaps the other members of the committee would like a copy of the letter, because then they have the whole package. If you do not mind.

**Mr. Farnan:** Certainly.

**Mr. Chairman:** We can get it after you finish your excerpts.

**Mr. Farnan:** Let me just take another couple of pointers. Here is a business doing \$2.2 billion to \$4 billion with nonresidents, exports. "This compares favourably with so-called threshold companies, 23 doing about the same, yet has no representation."

Here is a business representing 44,165,000 person-nights spent in Ontario: "A large proportion will be repeating, yet has no representation. Nonresidents accounted for 25,142,000 person-

trips to Ontario, 73 per cent of these from the United States. Surely, a vital and necessary part of our economy could merit better."

I do not know how many members there are on the Premier's Council, but I am sure the minister would agree that an industry that is going to be the most important to us by the year 2000 should be represented, not with a token representation but with significant representation. I know that the minister will work to see that this is redressed and I will be interested to hear what transpired in response to this letter.

The Japanese, Chinese, Germans, etc., cannot compete in clear skies, lakes, rivers and natural beauty on such a grand scale as Ontario. We must compete from our strengths where no one else can match us.

## 1650

The first point I would make is to support the minister in his drive for greater recognition of this area of tourism and recreation. I think the minister must educate his colleagues. Tourism has to be given a priority equal to high technology, and funding appropriate to that priority must be made available to the tourism and recreation area. The need to recognize the importance of tourism goes right to the Premier's Council, not just the members of cabinet but to the Premier himself.

I would hope to see this priority being established, with appropriate funding to the ministry that would add substance to many of the kinds of directions that the minister and his ministry are attempting to lead this committee along.

I want to join with the minister in supporting the celebrations that will take place at Sainte-Marie among the Hurons in Midland. I notice that you invite all members to share in this important event. I think that is very laudatory.

I want to move to the plan for the future, Toward 2000, and to commend the minister on the plan. I want to look at the first point where he talks of partnerships: "We plan to form an interministerial committee for tourism to review and co-ordinate all activities with an impact on the tourism industry." This is an area I want to focus on, and the area I want to focus on is roads. I think it has real significance to the whole area of tourism.

I want to examine the impact of the deteriorating state of our roads on the tourist industry. I think we should be addressing this concern with vigour, not only for visitors but for ourselves in our home areas—tourists from beyond our borders and tourists within the province.



I searched for a newspaper clipping today but I could not find it. It was about one of the ministry staff giving a conference in a city in Ontario, advising how the city could be made more attractive to the tourist industry and giving some basic advice. Part of the advice was, "Don't advertise what you don't have." In other words, you have to be honest and upfront.

We have to consider the impact it has on tourists if they have a bad experience. I know the minister and the ministry are aware of this. Whether we like it or not, as a result of benign neglect there is a great deal of congestion on our roads.

Those of us who live in the province and know the hot spots are conditioned to some extent and we have devised strategies to combat these irritants. Sometimes it is just making time allowances, giving yourself three hours for what would normally be a journey of one hour. Sometimes there are alternative routes or whatever. I resorted to taped novels.

But the reality of the matter is that those of us who are on home turf know that there are problems and have a general idea of where those problems are while the tourist does not have that advantage. I think this affects the quality of the tourist's experience in Ontario. It will affect his or her decision to return or not to return to this beautiful province.

You have, Minister, emphasized the importance of the industry to our economic wellbeing. It constitutes a key element in any future prosperity for this province, but the players in the tourist industry are vitally concerned about the state of our roads. I am reading from the Better Roads Coalition. It is called Congestion: The State of Our Roads. On page 6 it reads:

"Tourism is a major industry in Ontario. The travel industry, and particularly the Ontario Motor Coach Association and the CAA Ontario, are concerned about the impact congestion is having on tourism. They believe that bad roads have a detrimental impact on the number of people who visit Ontario. They also believe congestion has a detrimental impact on all Ontario drivers....The motor coach industry transported 1,080,000 foreign visitors into Canada while 21,415,000 visitors came by car. The federal government's Canadian travel survey estimates interprovincial tourism accounted for an additional four million visitors using the roads."

I think this has a very serious implication for all this strategic planning. We can have all the strategic planning in the world, but if we do not

have a basic system for moving people around the province and they are going to be hitting these congestion hot spots and their tourism experience is being undermined, then the good work of your ministry is being undermined. That is why I look at as such a positive thing the number one item you mention in this strategy having six main components, this co-operation or interministerial committee.

The government must take primary responsibility for this situation. It is as a result of funding decisions that have reduced the priority of Ontario roads that we find ourselves where we are today. It is not only detrimental to our own use of roads for essential travel, recreation and industrial use, but also for tourism. I think ultimately it will make us less competitive as a tourist attraction and ultimately, if tourism is going to be the number one export by the year 2000 and we want to have an increasingly larger share of that market, we continue this benign neglect of our roads at our peril.

#### 1700

I cannot say that all the blame has to go to the present government for the neglect of our roads. Looking at the same document, the evaluation is over the last two decades that this reduction in funding has taken place. But this government is carrying the ball now and it cannot simply, for too long, with much credibility say, "The state of our roads deteriorated because we had a Conservative government in place."

I am sorry my colleague Mr. McLean is not present to hear this, because I think much of the responsibility falls upon that previous administration. But now we do have a new administration, it has been in place for three years and there has not been a radical change in the way we have approached the situation of our roads.

Over the last 17 years, the slice of the total Ontario budgetary expenditures for the Ministry of Transportation, which is responsible for the funding of most of Ontario's roads, shrank from 13.5 per cent to 5.2 per cent. The priority given to funding roads as reflected by the Ministry of Transportation budget has declined sharply.

Based on MoT budget calculations, from 1965 to fiscal year 1986-87, the share of expenditures on both provincial highways and municipal roads declined by one third from over 97.5 per cent of all expenditures in 1965 to 66 per cent in 1986-87. During this same period of time, the share of expenditures on just provincial highways was halved from 65.5 per cent to 32 per cent.

I want to emphasize the chronic nature of this problem by reading into the record some additional figures which demonstrate this underfunding.

By 1989, more than 50 per cent of all our roads and highways in Ontario will be in "fair" or "poor" condition, using the government's own standards. The figure for bridges is equally horrendous.

Constructed over the past century, Ontario's road system represents an investment of more than \$23 billion. Once a source of pride to all Ontarians, this network is seriously deteriorating, at a time when the need for better roads has dramatically increased.

Roads and bridges have an indefinite lifespan. The useful life of a paved road, for example, varies significantly with the timing of its resurfacing and maintenance. An anticipated useful life of 25 years can soon be reduced to 15 years or less if a road is not resurfaced every seven to 10 years.

The cost of replacing roads or bridges is significantly greater than the cost of repairing them. The Ontario Road Builders' Association has estimated that the average cost of resurfacing a kilometre of two-lane highway is \$75,000, while reconstruction costs \$265,000.

I have emphasized this point at considerable length, Minister, because I feel so strongly about it. As you seek the support of your fellow cabinet colleagues to recognize the importance of tourism as the primary industry of this province in the year 2000 and to make the appropriate investment in that primary industry, I think it has repercussions, and one of them is the road system.

I have to think that, as the Minister of Tourism and Recreation, you would be fighting tooth and nail to encourage from this administration a radical program to change the continued deterioration of our roads. To do otherwise is to be penny wise and dollar foolish. We are beginning to experience the very worst of our neglect, and the province must release the funds to be spent in this area.

**Mr. McLean:** I say he should resign.

**Mr. Farnan:** I don't think so.

**Mr. Chairman:** Are you changing your line of questioning at this point from the roads topic to another point?

**Mr. Farnan:** No.

**Mr. Chairman:** I would like to make an interjection on the road situation. In an aside you pointed out—and I would like the record to show

that the critic of the third party was out of the room for only about two minutes, because in the context that you made the aside, in humour, it could be read in the official Hansard as if he may have been absent for a substantial part of the proceedings. I would like the record to show that he has been here and very diligent in his duties except for the two minutes that he was absent.

**Mr. McLean:** I had to make a phone call.

**Mr. Farnan:** I would like to reinforce that. Even in the short time that I have known my venerable colleague, I have come to admire his diligence and devotion to his duty. As you pointed out so correctly, Mr. Chairman, it was an aside which I thought rather relevant, and I shall certainly inform the member what my comments were because I think they are pertinent to the performance of previous administrations which I think he should be aware of. I think when he reads the record, he will also see the light in which that comment was made. Thank you for that clarification. I really appreciate it.

Just a couple of clippings: Mr. Pelissero, speaking to the Niagara tourism industry and telling this group how the tourist industry will be developing and how it might help develop the industry within its area, comes to the crunch of the matter. He said:

"In the meantime, tourism councils as well as the ministry must become lobbyists at the parliamentary level.... They should examine the area for special needs such as transportation, which, in Niagara's case, may be improved by widening the QEW and installing more detailed signs." I think he is talking about roads.

Another quote taken from the St. Catharines Standard: "Results of the visitors' survey portion of the study suggest a need for certain types of facilities and generally for facilities of a higher quality and calibre. The survey also indicates a need for improved information signage, traffic and parking conditions."

I venture to guess that no matter where you make a study or a survey, whatever area of the province it is in, tourists will have experienced these congestion hot spots. For the government to be reticent about moving ahead with finding the funds to address those needs is, in my mind, a very backward-looking policy.

This government must accept its share of responsibility now. I know the neglect has been spawned over two decades. However, the minister has talked about tourist strategies for the present and the future and warned of the increasing international competition for the tourist dollar. I respectfully submit to the



minister that if we are to be competitive in attracting this tourist dollar to Ontario, we must find a solution to our old problems.

1710

In the *Toronto Star* of August 16, 1988, we have a heading "Delegates Love Our City But They Hate the Airport." I think it talks about the same kind of situation that I am trying to draw to the minister's attention. Although there are areas which may not be touched upon directly in the estimates speech, I believe the minister is aware of them, by virtue of putting this strategy and having as the number one item in that strategy an interministerial committee for tourism.

I think it is the first step and it is the correct step. I commend the minister for making that step in addressing the province. But I think the minister has a job on his hands in convincing cabinet and in convincing the Premier—the Premier, I might add, who put together a Premier's Council without representation from the hospitality tourist industry.

I know, Minister, that you will be fighting like mad to rectify this situation and to ensure that it is redressed. I think it needs to be redressed very quickly. My fear is that we are not sending the right message out to the hospitality/tourist industry. In fact, we are sending the complete opposite message out, when we fail to recognize their presence on the Premier's Council.

I will quickly move on. I would like to put into the record today the suggestion that came to me from a constituent, Mr. Mulholland of Cambridge, who has written to the minister with regard to his suggestion for a military tattoo. Given the nature of the province, it is something that has real value in terms of the events that are being planned. I believe Mr. Mulholland has some background and experience in organizing such events. He certainly sent a very detailed communication to the minister, with a breakdown of the costs of such an event. I believe that it merits a response and that it could be a valuable additional attraction to our province.

Major events are important. I have a kind of little voice that says to me: "But hold on, Mike. You cannot build your tourism industry simply around major events." I know they are important leaders; I know they are important attractions for bringing people in. I am a little wary, not so much of the politics of grandeur or the tourism of grandeur. I know that is not the intent of the minister and I sincerely hope that an equal and balanced effort is made to have Ontarians travel within their own province at reasonable rates, at

affordable rates, at accessible rates for ordinary working families and working people.

I encourage the minister, ministry and the various agencies and attractions we have to continue to strive to keep the rates at an affordable level, so that the average working person can take advantage of seeing and enjoying his own province and enjoying the kinds of amenities we have. Try to keep the price within their range. Try to maintain the kind of sensitivity you have shown to seniors in the past.

I would be dishonest if I did not say that I was somewhat disappointed by the increase in the cost to seniors to enter Ontario Place, for example. I do not know how many other types of provincial tourist attractions we have, and I would be interested in finding out from the minister what other tourist attractions have increased their rates to seniors.

I think this is a group of people who after a life of dedication and commitment to our province, who after their work for us, deserve to be treated with as much consideration and thoughtfulness as possible. These trips are cherished by our seniors, some of whom are living on very meagre incomes. A dollar here and there may not appear much to us, but I am sure all members of the committee are aware of and sensitive to individuals who have to count every dollar and make it count.

I would be delighted to see the ministry look at ways to make our facilities more available to seniors in every possible way. We have a generally good record and I want to commend the minister for that. There is a generally sensitive approach. I am concerned, though, when I see an agency that is perhaps running into financial problems in balancing its budget: let's not balance the budget on the backs of seniors; that would be my recommendation to the minister.

The next item I want to talk to the minister about probably comes under the area of the sixth point in the strategic plan, regional tourism assets. I am not sure if it fits correctly under this area, but it is an issue I want to emphasize again. The minister has heard me speak of it before. He is not going to be surprised. I think perhaps the minister even shares my concern, and that is the concept of rails-to-trails.

I have written to you. I have made you aware of the importance of the corridor between Cambridge and Lynden and I know my colleague has talked in terms of Collingwood-Meaford and the Marmora subdivision. They are important trails. I also raised the question in the House because I thought it was so important. I have to

express to you in the strongest possible terms that I believe this is a heritage or a gift we can give to our children and future generations following us.

## 1720

It is a once-in-a-lifetime opportunity, perhaps a once-in-a-century opportunity. I said in the House: "As the rail system shrinks, abandoned track becomes available...we have the potential to convert these valuable rail corridors into public trails for running, walking, bicycling, wildlife conservation and observation, cross-country skiing, horseback riding and other uses."

I do not believe for one minute that we have to save every abandoned rail line, "but the abandonment process should include an evaluation of each of these lines for trails so that potentially excellent trails are not lost for ever."

It is vitally important that we have provincial involvement. I think you are in a unique position as Minister of Tourism and Recreation. I honestly believe that if you were to leave your mark on this one issue, you would go down in history in Ontario as a very far-sighted Minister of Tourism and Recreation, because you would be leaving a legacy to this province that would be absolutely extraordinary. Today, I almost plead with you. I certainly urge and express the highest level of concern that action be taken within the near future, because it is within your grasp to effect this change.

It is a matter of having the political will now—the political will two years from now may be too late—and it has to be demonstrated in a manner that goes beyond simply providing assistance to study the problems of rails-to-trails conversions. It demands your involvement and it demands the involvement of your ministry.

These trails can be developed in a meaningful manner only where there is a commitment to implement a co-ordinated program. Many of these corridors, as you are aware, pass through several municipalities, "and this makes co-ordination difficult and the need for a leadership role imperative. In my own area, for example, the rail line runs through Cambridge, North Dumfries, Branchton, South Dumfries and part of the village of Harriston, and ends up at the village of Lynden." It passes through several communities.

To this particular point in time, I am sorry to say—I hope you can correct me—this ministry has not shown the political will that will be required to give the leadership and the co-ordination to have these lines preserved. I hope, minister, that you have been fighting for this in cabinet and that

the result is you lost the battle. That would be easier to accept.

For the people in my home town, in the Marmora subdivision, at the Collingwood-Meaford trail, and at other trails across this province, and for recreationalists in general, we look to our minister to fight the good fight and to fight the battle that will give us this unique gift for recreation.

If I wanted to come here with one message today and nothing else, if somebody said to me, "Mike, you can only give one message to the minister," this would be my message because this is such a wonderful opportunity. Minister, you are the only individual who can provide the co-ordination, leadership and political will to address this. If you do not provide it, if your cabinet does not support it and if this government lets this slip, we will have lost it for ever because it will be fragmented. We will not get linear parkways going the length of the various communities. What we will get will be fragmented.

I want to raise this issue without trying to be confrontational; I will try as best I can in making this point. When I raised this issue with you in the House, minister, your response to my question was, "This ministry is not involved in owning and operating recreational facilities." I asked you at the time: "...what does he consider Ontario Place to be if not a recreational facility? What is the domed stadium if not a recreational facility." Is this government more interested in providing facilities recreation-wise for the urban Metro area, while rural areas and cities away from Toronto are to be, if not forgotten, certainly not placed as a priority?

The people in my town of Cambridge—I know for sure because I have correspondence from the other areas affected in the province—see this as such an important issue. I ask you today to review your policy. There is very little to commend a mindset or frame of mind that simply says, "We have a policy and our policy does not allow us to be flexible, to be innovative and to meet new opportunities."

Knowing you, minister, I do not think you are that type of man. I think this is a challenge and I put it forward to you as a challenge. I ask you to be flexible. The type of thinking I described represents a bureaucratic inability to take advantage of opportunity, and this is an opportunity. Ontario is at the moment of decision. We can give to our children and to generations to come a wonderful recreational facility, but it demands



leadership on the part of the Ministry of Tourism and Recreation.

1730

I hope that in responding, the minister will give me a very detailed response to the concept of rails-to-trails and I hope that response will demonstrate, not only to me and the people of Cambridge but to the people of the province as a whole, that this minister and this ministry has the necessary leadership to tackle this problem.

To reiterate: "It is precisely because these corridors pass through several communities, villages and townships that there exists a need for provincial leadership, not the leadership of encouraging individual local governments to become involved, because such a policy and directions give no guarantee of final outcome."

At best, bits and pieces will be saved. To simply say, "Here is a wonderful linear parkway," and to say, "There are 10 municipalities and townships involved," and for the ministry to say, "We like the idea and we are supportive and we will give advice and encouragement," I am afraid is simply goodwill in this situation and does not address the problem.

I said in the House: "In the most extraordinary circumstances"—with that kind of philosophy—"a continual trail of some significance might be the outcome; but this policy...this direction gives absolutely no guarantee that the best trails and the maximization of the best trails will be held in the public interest.

"Indeed, the opposite is true. It is much more likely that we will end up with fragmented recreational facilities, and at worst, because of the lack of total co-operation of all the partners, all the municipalities involved, a precious opportunity will be lost for posterity. If this opportunity is lost...if this investment in the future recreational facilities for our children and generations to come is lost, it is this government and this ministry that must be held accountable."

I would like to think of my hero as the man who saw this as an opportunity, as a man who gave the leadership and inspired his party and his government to make a dream come true.

I ask the minister to throw his mind forward to the year 2000. I think you drew the large canvas very accurately. I honestly believe you painted the broad canvas fairly accurately. We have to be there, but we have to be there, as you put it, in a fiercely competitive international market. I cannot think of anything more exciting as an attraction than these linear parkways, but they are going to slip out of our range of possibility within the next two to five years.

Before I close, I want to read to you a letter from the president of the Grand Valley Trails Association. Her name is Betty Schneider. This is what she said: "It seems imperative that some action be taken immediately to preserve these corridors before they disappear. It seems logical, since these corridors already exist as quasi-public lands, that they be preserved and protected for some future public use. As well as trails, they may serve as future utility corridors. With the widespread distribution of railway lines, any long-range plans would ultimately involve local, regional, provincial and federal governments.

"It seems like a once-in-a-lifetime opportunity to restore purpose and vitality to these lands. Let's not let this national resource slip through our fingers."

I am sure that the minister's files are much more extensive and exhaustive than mine. I try to watch the daily clippings and grab where I can and put it into the file, but I know that the minister has probably tracked this issue, so I will not go through the kinds of clippings, but I do urge the minister to address this matter.

I am conscious of the fact that my colleague has been very patient and is anxious to get in, however, I have a couple of other items in the same vein as the matter of roads or the matter of rails-to-trails that I would like to address. I do, however, want to maintain the friendship of my colleague and I do want to give him the opportunity, if it is agreeable, to put these questions on the record, to give the minister a week so that the answers can be prepared and I am open to your direction, Mr. Chairman, as to how you would like to proceed.

**Mr. Chairman:** In recognizing the critic for the third party, I would like to remind the committee that we are going to be adjourning promptly at six o'clock, so possibly a suggestion for additional information might precede other remarks. Feel free to take your time because if you are not finished comfortably by the end of the hour, we will start off with you next day.

**Mr. McLean:** It is my pleasure to participate, on behalf of the Progressive Conservative Party, in today's consideration of the 1988-89 estimates for the Ministry of Tourism and Recreation. I will have some constructive ideas and, naturally, some constructive criticism.

When the Liberals came to power in June 1985, tourism seemed to enjoy a reasonably prominent position on the government's priority list. In the throne speech of April 1986 and in the provincial budget which followed, various tourism initiatives were announced, including boost-

ing tourism in northern and eastern Ontario, a tourism marketing strategy for Quebec and an extension of support to the Tourism Ontario grading program, and a two-year extension of the tourism redevelopment incentive program, TRIP, a year-over-year funding increase to the ministry—well in excess of inflation—and funding of large-scale northern tourism projects through the northern development fund.

In the 1987 throne speech, tourism was virtually ignored and we have seen Management Board of Cabinet order cutbacks or freezes on productive, revenue-generating programs, including TRIP. We have seen a two per cent across-the-board operating budget constraint within the ministry, and a six per cent program service restraint by Management Board on their 1988-89 base budget, which was already flat-lined in late March of this year.

What we now have is the current suspension, and unknown future status, of TRIP, a reduction in the next tourism market plan budget which has forced—among other things—the recent cancellation of the very productive, multipaged winter rotogravure insert in large-circulation Ontario and border-American newspapers.

We have an escalation of the much-touted provincial tourism strategy, which the Ministry of Tourism and Recreation has been drafting and redrafting for the past 30 months.

This strategy was to be the crowning accomplishment of the former minister. Following four months of consultation with public and private sector tourism leaders in roundtable discussions throughout the province, the ministry was to produce a provincial strategy for tourism by late fall, 1986—which would be further refined—and forwarded to cabinet for approval.

What actually happened is nothing short of a bureaucratic nightmare. Senior ministry staff delayed completion of what they considered to be an acceptable strategy until October 1987. During the ensuing two-and-a-half months, the strategy was unveiled to various provincial organizations and was sent to several allied ministries for their comments, including the Ministry of Natural Resources and the Ministry of Northern Development. The strategy was widely criticized by both ministries and it was intended that the final draft would be taken to the cabinet committee on economic policy by February at the latest.

1740

Upon cabinet approval, an implementation plan was to be prepared and presented, involving some \$100 million in incremental government

investment in tourism, marketing, and development, over the next five years.

However, when the ministry was finally ready to present its strategy to cabinet in June 1988, it was too late. The ministry knew full well that cabinet was in no mood to approve the investment of any incremental tax dollars in productivity, revenue-generating programs—I am having a little problem here with the words, but I will get by—let alone a provincial tourism strategy, for which an implementation program had not been prepared and for which there were no detailed cost estimates.

In order to save face with the tourism industry, the ministry is now in the final stages of preparing a meaningless five-year business plan for the strategy, which will simply be a rehash of where the ministry plans to allocate its reduced tourism base budget for the next few years.

I would like to repeat the words of our interim leader. The member for Sarnia (Mr. Brandt) has noted that while the Liberals were in opposition, they emphasized the importance of tourism for the cultural and economic growth and diversification of our province. Yet, since forming the government, the Liberals have totally abandoned this attitude.

For one, they have cut the Ministry of Tourism and Recreation's overall budget by some \$26 million. It is increasingly clear that unless this government takes bold, imaginative and speedy action, with the necessary budgetary support, Ontario is in danger of losing its fair share of the world's tourism market.

Second, the Ontario government has gone against the grain of all rational and practical thought by opposing the free trade agreement with the United States. By bringing forward and negotiating a historic free trade agreement with the United States, the government of Canada has proven its strong desire to create a better and more prosperous future for the various regions of Canada.

This trade agreement will provide excellent benefits to the tourism industry in Ontario, and has received enthusiastic support from all those involved in the industry. Fortunately, the people of this country have more sense than this government and have overwhelmingly approved the free trade agreement. However, the result of the Premier's shortsightedness is that Ontario now stands alone in opposing what is obviously the most significant step forward that Canada has made in the 1980s. The Liberals' insistence upon playing political games with the free trade issue, has illustrated again the Liberals' lack of interest



and understanding of what it takes to establish a better, and more prosperous, future for its industries.

By generating \$20 billion annually, the tourist industry has established itself as the second most important industry in the economy of Canada and is among the top three sectoral industries in Ontario.

As the province's largest employer, the Ontario tourism and hospitality industry has generated direct tourism expenditures of \$9.3 billion during 1987, which created \$12.2 billion in income, or six per cent of the gross provincial product.

The industry is the province's second largest export industry, producing an estimated \$2.9 billion in valuable foreign exchange earnings in 1987.

Not only has the tourism industry contributed an estimated \$1.7 billion to Ontario's consolidated tax revenues, including an estimated \$400 million in retail sales tax, it has accounted for 10 per cent of total employment in Ontario, or 51 jobs for every million dollars in tourism expenditures.

These numbers clearly show the value of tourism in Ontario, but they also underscore the vast potential for economic growth and prosperity yet untapped, and within our reach.

Free trade with the United States is a vital mechanism for strengthening our market potential. It will lower costs and consumer prices as tariffs fall, making the tourism industry more vibrant, competitive and creating more new jobs.

The Tourism Industry Association of Canada, of which Tourism Ontario is an active member, is clearly supportive of the free trade agreement and has emphasized a variety of economic benefits that will flow from the agreement to all enterprises in Ontario. Its board of directors indicates that 20 per cent of tourism revenues come from visitors beyond our borders, three quarters of them from the United States.

This flow of tourism to Ontario will increase, and our low dollar, in combination with the new flexibility in taking purchases across the border, will encourage the American tourists to purchase more while they are here, and that means a better and brighter future for Ontario.

The board of directors of the Tourism Industry Association of Canada indicates that with free trade there will be an increase in business conferences and conventions in Ontario, which will in turn stimulate more follow-up and leisure travel to our province.

Despite the uncaring and destructive opposition of the Ontario government and the federal opposition parties to this trade deal, the Progressive Conservative Party is aware of the economic bonanza it will be for Ontario in helping secure existing jobs and generating new ones within the tourism industry.

A third distress signal to the tourist industry in Ontario is this government's \$1.5-million budget reduction for the tourism marketing branch. While countries spanning the globe are strengthening their market potential and solidifying their economic future with aggressive marketing plans and cross-border communications, the Liberal government of Ontario is remarkably out of sync with the realities of doing business and achieving a competitive edge in today's high-technology, fast-paced international market.

I would remind my Liberal colleagues that the globe is not getting any bigger; in fact, it seems to be shrinking. Increasingly effective international communication is bringing trading nations closer and closer together. As a result, awareness and understanding are growing through communication, the marketing tool of the decade.

A fourth example of this government's destructive policy towards tourism is its regressive sales tax, increased last year to eight per cent. According to a survey from Tourism Ontario, the Liberal government has placed the tourism industry at a distinctly unfair and unseemly disadvantage.

While the Progressive Conservative Party in Ontario in the 1987 election promoted a reduction in the provincial sales tax from seven per cent to six per cent, which would at the very least reduce production costs for promotional tourism literature, this Liberal government has taken the opposite direction by adding an unprecedented and inexcusable burden upon consumers and the tourism industry.

Tourism needs fair tax policies to flourish. The PC Party would suggest not only a reduction in the provincial sales tax but a restoration of the ad valorem gasoline tax, with a cap of 8.3 cents per litre, to protect consumers, including tourists, from outrageous taxes when the price of gasoline is high.

In a news release from Tourism Ontario, which all members here recognize as a nonprofit, private federation of hospitality, lodging, recreation, transportation and travel associations representing more than 7,000 business enterprises, chairman Jack Sebeslav said: "We are extremely disappointed with this budget. Our cost-sensitive industry will be one of the first to

bear the brunt of the economic downturn which this budget virtually guarantees." He went on to predict that "the enormous tax increases imposed on most Ontarians as a result of the Liberal budget will harm their business, leisure and vacation travel in the province."

The members present will note that, through the 1988 provincial budget, the Liberal government of Ontario has neutralized the most positive benefits of stage one of the federal tax reform for both taxpayers and businesses, placing numerous Ontario tourism and hospitality enterprises at an even worse competitive disadvantage with bordering American states.

The increase in personal income tax rates, the net increase of 14 per cent in the provincial sales tax rate and the escalation of levies and taxes on beverage alcohol and gasoline will discourage consumption of the products and services offered by the tourism industry and nonessential travel to and within Ontario.

Mr. Sebeslav went on to say, in his attack on the provincial budget:

"In our view, the unprecedented tax increases of in excess of \$1 billion are unnecessary, regressive and inflationary. Ontario has enjoyed a 53 per cent increase in tax revenues during the past four years. During the same period, the province has increased its spending by 9.5 per cent annually, or more than double the federal rate. Surely the spending can and must be curtailed."

Such an outrageous tax grab begs the question: Where was our minister during the drafting of the provincial budget in the planning to increase the sales tax? How could the Treasurer (Mr. R. F. Nixon) do this to the people of Ontario and to tourism without Mr. O'Neil's consent? In that very budget of April 1988, and in the throne speech of the previous year, the Peterson government set out the priorities, with tourism notably absent, except for a fleeting sentence in the throne speech.

#### 1750

With government spending priorities on social assistance programs, labour legislation, housing, education and health care, the government is neglecting tourism, relegating it to a nonstatus industry, well behind high-tech and manufacturing industries. This is a big mistake.

As tourism slips into obscurity as a priority with the Peterson government, which is known more and more for its reckless spending habits and mismanagement of the public purse, our party has to say to the government of Ontario: What is the rationale for shunning industries with

economic growth potential; industries that can only enhance our quality of life, our social programs, and our overall wealth?

Finally, it is clear that an effective tourism policy can only be developed with increased private sector involvement, an area we have yet to see this government act upon. We need both public and private sectors working in concert to invest much more, just to keep pace with our neighbours.

The Ontario tourism and hospitality industry has clearly demonstrated that it can, and will, generate millions of dollars in new wealth and taxes in an environment where the combination of public and private sector support is compatible and mutually beneficial.

If we could see a reasonable plan from this government, it would include the investment of millions of dollars from government and the private sector in plant, service and product upgrading, and expansion, during the next decade. I have already mentioned one of the extensive social and economic benefits generated by the public sector financial assistance, directed to new and expanded tourism-related capital construction.

While tourism is the fastest-growing segment in the Ontario service sector, I would like to reiterate that we must accelerate our development of competitive, new, upgraded and innovative tourism products and services, to keep abreast of the competition and to ensure our share of world tourism revenues.

But even in a period of strong economic growth and steady expansion in the number of visitors to our province, our share of North American and world tourism expenditures is in jeopardy, unless we strengthen our positioning in both of these markets. The competition for tourism revenues has grown immensely in the past five years alone, particularly in bordering and southern states. Our competitors have invested heavily in plant development and tourism-marketing initiatives.

It would be admirable if this government would recognize and have the foresight to act and expand on a tourism product base. Innovative and appealing new tourism products, attractions, events and experiences are badly needed in all regions of our province. Surely, we have the creative talent in Ontario. All we need is some government action.

The Conference Board of Canada has just released a report predicting severe employee shortages in the tourism and hospitality industry. The Progressive Conservative Party proposed the



development of a Premier's council on tourism development to deal with these shortages, but has yet to see how the Liberals plan to cope with this reality.

What will be done to ensure the employees will be found? That is the number one question. When are you going to see the integration of tourism and hospitality studies in the Ontario education curriculum, to encourage young people to consider Ontario tourism as a career option?

Our party has promoted a reduction of the provincial sales tax on accommodation, room furnishings, and supplies within the hospitality industry. We have yet to see any such strategy put forward by this government to counter the regressive, compounding provincial sales tax applied to the Ontario hospitality industry; purchases of commercial accommodation, room facility, and guest supply. Why has this not been addressed?

What will you do to counter the effects of the unfair increase in the sales tax imposed in Ontario last April, particularly as it applies to design, printing, and packaging of all Ontario tourism promotional literature to be able to increase tourism advertising and promotion within Ontario, and in export markets?

Whatever happened to the roadside rest-stops promised in the 1986 throne speech? I am talking about the permanent, not portable, units. What happened to the great promise of new and improved Peterson-on-the-spots? I see in your report you have \$15 million from four different ministries, that you are hoping to do something about that, and I hope it would be done in the near future.

We have not seen any attempt to streamline and reduce the maze of municipal and provincial agencies, acts and regulations to which new and expanding tourism development proposals are subjected. The planning and approval process is very costly and time-consuming for business owners and investors. Why have we not seen any plans for deregulation to foster development of new tourism and hospitality enterprises, which must occur if we are to generate new wealth and employment opportunities in our vital resource sector?

What market strategy do you have in place for ensuring new and expanded tourism-related capital construction and, in particular, to advertise the tourism areas and activities in northern Ontario? With a \$1.5-billion budget cut in the net tourism marketing plan budget, how will con-

sumers know what is available in the north as opposed to the south or the east?

What will you do to expand the tourism product base to keep pace with the competition, namely, the United States, especially now that free trade will provide us with that opportunity, or do you naively think somehow we will just get by?

We see Ottawa putting a much greater emphasis and higher priority on tourism than this province. For example, they have plans in place and programs to advertise skiing, winter activities, carnivals and their ad "Canada: The World Next Door" and other commercials focusing on distinct outdoor and city attractions.

In marketing our province to the United States, media purchase costs are escalating at more than double the current rate of inflation. We cannot afford to diminish our tourist market presence, our penetration and exposure in these known productive markets, especially when we face ever-increasing product promotion in Ontario from the US, Caribbean and other overseas destinations. Why have we not seen serious consideration of this necessity?

What will the five-year business plan offer in lieu of a promised provincial tourism strategy that is different from the previous ministry plans? When will we see a smart decision materialize to turn Ontario Place over to the private sector so that we do not have a break-even government attraction, but a thriving, profitable, growing attraction that Ontario can be proud of?

With regard to the Metropolitan Toronto Convention Centre, the standing committee on procedural affairs and agencies, boards and commissions recommended that the MTCC, in co-operation with the Toronto hospitality industry, should undertake and publish the results of a comprehensive, cost-benefit analysis of the centre's impact on Toronto and the rest of the province. When will this be undertaken? I notice in your remarks that you indicated a \$115-million advantage to Metro.

How is the ministry intending to advertise and promote Ontario in the emerging tourism markets? To what extent is the private sector of Ontario tourism supportive of the ministry's advertising and promotional initiatives in these markets? What will be the impact of pending equal pay for work of equal value legislation and first-contract arbitration legislation on cost-sensitive tourism enterprises throughout Ontario?

What is the ministry doing to enhance the return on investment on the thousands of tourism

and travel telephone inquiries handled by the head office travel counsellors throughout the year? Will the ministry conduct an analysis of Great Lakes summer pleasure cruises to Lake Ontario and co-ordination with Quebec, New York, Michigan and Minnesota?

**Mr. Chairman:** Mr. McLean, can we have an indication of how much longer you will take?

**Mr. McLean:** Four more questions.

**Mr. Chairman:** Fine.

**Mr. McLean:** Will the ministry also conduct a study of the use of GO Transit for fall colour excursions and winter ski trains during off-peak weekends? When will the ministry study and advise us of the possibility of improved through-transit co-ordination and packaging of Ontario Northland summer and winter rail excursions to northern Ontario?

How much does your ministry spent to promote tourism in Metropolitan Toronto? How much of an annual grant do organizations such as the Mariposa School of Skating receive each year from your ministry? Elizabeth Manley captured the silver medal for figure skating at the 1988 Winter Olympics in Calgary. How much funding does your ministry provide an amateur of her calibre for training, travel and accommodations?

I have others that I would like to continue with.

**Mr. Chairman:** With the concurrence of the committee, we will continue till you have finished. As you have been reading very quickly, the one request we have is, could we have a copy of your questions, in particular, so that they can be answered properly. The Hansard is not going to be out in time for the ministry to get the information. It would be better if you gave them a copy of all the questions so that they can answer them properly.

**Mr. McLean:** I have another two pages of questions. Can I go ahead?

**Mr. Chairman:** Go ahead.

**Mr. McLean:** On a number of occasions, I have urged you to get together with the Ontario Lottery Corp. officials to develop and promote a new hospital lottery program. I believe a lottery with all proceeds used for hospital capital programs would ease the financial burden on our health care system and enable us to build new or expanded hospitals with the money generated from a lottery. Have you met with your lottery officials and, if so, what was the result of your decision?

On December 3, 1987, my private member's Bill 24, An Act to establish a Tourism Advisory Board, received second reading. The board

would consists of at least 12 members representing a cross-section of industry, labour and government to provide advice on the tourism and hospitality industry of this province. Do you not think a tourism advisory board would help maintain and strengthen this industry that generates unparalleled economic and employment opportunities, substantially reduce our travel deficit and attract our rightful share of world travel and tourism revenues?

Have you given any consideration to my suggestion of selling Ontario Place and then spreading the proceeds among 10 Ontario municipalities to develop theme parks of their own to attract tourists and boost their local economies?

On a number of occasions, I have urged you to join with your colleague the Minister of Transportation (Mr. Fulton) and designate Highway 93 as a heritage highway. I had hoped and expected this designation would occur some time in 1988 when we are marking the 100th anniversary of Charles Drury's appointment as this province's first Minister of Agriculture. What is the status of my request to have Highway 93 designated as a heritage highway while still retaining the name Penetanguishene Road?

During discussions with numerous interest groups this summer concerning Sunday shopping legislation, your government's standard position was that it is impossible to define tourism. You government says, "Let the municipalities do it themselves." Your backbenchers voted against my party's amendment to ask 213 willing groups and individuals to assist you. Why did you not, as the defender of the tourism interests in this province, accept the help of the municipalities and such groups as Tourism Ontario to develop the appropriate criteria to deal with the tourism exemptions?

I have two or three others, but that will pretty well do it.

**Mr. Chairman:** Thank you very much.

I would like the record to show that we are adjourning the debate on vote 3601, item 1. We will reconvene at 10 o'clock next Thursday morning. That is December 1.

**Mr. McLean:** Will I be on when we start to complete my questions?

**Mr. Chairman:** If you are not finished, you will be up first.

**Hon. Mr. O'Neil:** Have you many more questions that you would like to ask?

**Mr. McLean:** I just have about 10.

**Hon. Mr. O'Neil:** More?



**Mr. McLean:** They are all here. I could ask them in less than five minutes.

In the public accounts book, on page 7, it indicates the criteria used for the executive compensation plan. I would like to know how many people in your ministry are in levels 5, 4, 3 and 2, who they are and what their salaries are. I would like to know the reasons for some of the travel expenses. You have some people at \$26,000, Mr. Courtney—

**Mr. Chairman:** If I could interrupt again, if it would be convenient, could they have these indicated in writing too?

**Mr. McLean:** I do not have these in writing.

**Mr. Chairman:** Could they be prepared and given to them at the beginning of the week? We have until next Thursday.

**Mr. McLean:** I guess so, but I could finish them.

**Mr. Chairman:** I think you would get a more thorough answer that way than right now, if that is okay.

**Mr. McLean:** I will save them for next week.

**Mr. Chairman:** We will adjourn at this point on vote 3601.

The committee adjourned at 6:05 p.m.

# CONTENTS

Thursday, November 24, 1988

## Estimates, Ministry of the Environment

Recess . . . . . G-216

## Estimates, Ministry of Tourism and Recreation

### Opening statements

Hon. Mr. O'Neil . . . . . G-218

Mr. Farnan . . . . . G-228

Mr. McLean . . . . . G-234

Adjournment . . . . . G-240

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

Callahan, Robert V. (Brampton South L)

Charlton, Brian A. (Hamilton Mountain NDP)

Cordiano, Joseph (Lawrence L)

Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

### Substitutions:

Collins, Shirley (Wentworth East L) for Mr. Callahan

Farnan, Michael (Cambridge NDP) for Ms. Bryden

Grier, Ruth A. (Etobicoke-Lakeshore NDP) for Ms. Bryden

Marland, Margaret (Mississauga South PC) for Mr. Cureatz

McClelland, Carman (Brampton North L) for Mr. Ruprecht

McGuigan, James F. (Essex-Kent L) for Mr. Faubert

Smith, David W. (Lambton L) for Mr. Callahan

**Clerk:** Carrozza, Franco

### Witnesses:

#### From the Ministry of the Environment:

Bradley, Hon. James J., Minister of the Environment (St. Catharines L)

Balsillie, Dr. David, Assistant Deputy Minister, Environmental Services Division

Wong, Hardy, Director, Waste Management Branch

Posen, Gary S., Deputy Minister

McIntyre, C. E., Executive Director, Approvals and Engineering

Bishop, Jim N., Director, Water Resources Branch

Mierzynski, George, Director, Central Region, Investigations and Enforcement Branch

Chant, Dr. Donald A., Chairman and President, Ontario Waste Management Corp.

Scott, Michael G., Director of Communications, Ontario Waste Management Corp.

#### From the Ministry of Tourism and Recreation:

O'Neil, Hon. Hugh P., Minister of Tourism and Recreation (Quinte L)







No. G-7

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry, of Tourism and Recreation

**First Session, 34th Parliament**  
Thursday, December 1, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, December 1, 1988

The committee met at 10:10 a.m. in room 228.

### ESTIMATES, MINISTRY OF TOURISM AND RECREATION (continued)

**Mr. Chairman:** The chair recognizes a quorum. We are going to resume the estimates of the Ministry of Tourism and Recreation where we left off, on vote 3601, item 1. We will be making a few special arrangements this morning to accommodate the member for Simcoe East (Mr. McLean), the critic for the third party, who was an honorary pall bearer at a funeral this morning. We expect him to be in attendance at approximately 11:30.

Last day, the critic for the official opposition, the member for Cambridge (Mr. Farnan), gave the floor to Mr. McLean in the last half hour so that he could begin his presentation. He indicated he had two additional items of concern he wanted an opportunity to talk about before the minister replies. I will recognize Mr. Farnan at this point.

**Mr. Farnan:** I think I had reached the point on page 17 of the minister's estimates statement, recreation linked to wellness. This is a concept that is supported by the New Democratic Party. We believe very strongly that recreation is preventive health care, so we commend the direction taken here.

I have heard it said that one tenth of one cent of every health care dollar is directed towards preventive health care. That is a frightening statistic. However, I think we have to look at recreation as a very important aspect of preventive health care and this is going to have a significant bearing on funding, particularly when we look at funding generated from lotteries.

There has been some discussion where those lottery funds will be directed. Some suggestions have been made that these lottery funds should be directed towards hospitals. We believe that funds directed towards recreation are indeed funds directed towards preventive health care. I will return to this concept later.

Having funding allocation either static or vague is no incentive to the partnerships you encourage. You are calling for partnership, for "recreation partners, both public and private, to co-operate and co-ordinate activities" in community recreation policy. That is an invitation

that has meaning when it is supported by substantive financial support. In the same manner, when you urge partners in recreation "to provide a broad range of opportunities to all segments of the population," it must have a guarantee of significant provincial funding.

I want to commend the minister and the ministry on the whole area of encouraging retirement planning and recreation.

In the area of volunteerism, there is a growing concern among volunteers. Again, it is based on the funding issue and the uncertainties that exist in the current climate. I can remember quite vividly the basement meetings and the raising of funds to support minor sports. I hope we are not moving back in that direction and I hope our commitment is broader and deeper to the volunteers who contribute their time. Again, they look at the decisions being made with regard to funding as a very clear indicator of the intent of the Ministry of Tourism and Recreation and of the government in this regard.

I join the minister in commending our Olympic medal winners. I believe that in the House I invited you to read into the record the names of all Ontario athletes who participated on the Canadian Olympic team. I note that in your estimates speech, their names have not been included. I certainly can find opportunity to do this myself, but I believe it is very appropriate coming from the minister. It is not just the medal winners of whom we are proud. I think each individual athlete who represents Canada, Ontario athletes who have achieved the peak of their performance and a standard that allows them to compete on the world stage, is worthy of recognition. I suggest to you it would be appropriate that the names of these individuals be read into the record.

I want to spend some time on sport safety. I have a copy here of Sports Ontario. I believe it is the first issue of the Sports Ontario newsletter, the voice of sport in Ontario. In its very first paragraph it says, "We believe our first job is to listen and then to communicate the wishes of sports organizations to Ontarians."

I hope it goes beyond that and is not just to listen to the concerns and then disseminate the concerns around the province, valid as that may be; I believe there has to be a positive reaction to



what are considered major concerns. There has to be an effort to provide solutions.

In the first newsletter of Sports Ontario, there was a questionnaire. Some of the questions that required response were, "Are provincial funding programs adequate?" and "What specific initiatives might the ministry contemplate to assist your organization?"

One of the concerns that is mentioned is that an insurance program be established, "that a government policy with regard to liability and/or no-fault insurance be formulated." I believe insurance in sports is a very critical issue.

Back in 1985, insurance premiums took off. There was a Brampton case of a \$6.3-million award in a Brampton trail bike accident, which was later overturned, but we are all aware of the significant impact that had upon the insurance industry. As a result, there were insurance cost increases of up to 900 per cent during this period, and a majority of Ontario sports and recreation organizations can no longer obtain participant liability coverage.

This has the effect, as you are aware, of driving away potential sponsors in nonprofit amateur sport. Community-based swimming, baseball, soccer, cycling and lacrosse groups face grave difficulties in terms of protecting their athletes from risk of accident. I am a member of the Cambridge Minor Soccer Association. I think our concerns are shared by sports groups across the province. It is a very serious problem.

### 1020

I am aware there have been some initiatives taken, but I suggest to the minister that there are always cracks in the system. Even where there is an effort to deny funding to any minor sports groups or any sports groups that did not have full insurance coverage, there is always the risk of individuals falling through the cracks of the system. There is always the risk of a team not being insured. There is always the risk of an individual not being insured.

It certainly does not relate to what I see as an even broader recreation clientele. I think there is an informal, nonorganized recreation involvement among the citizens of Ontario on a daily basis. I see kids play pickup hockey on the street, walk or cycle over to the park and get involved in a pickup game of soccer, football or baseball. This is all part of recreation and this is all part of our concern with liability insurance.

I have to ask the minister whether there is protection we would hold out to an individual who is playing in an organized game that would provide insurance coverage. If there is no

protection for the individual, is there lesser protection, because there are some government programs, for some individuals who may be taking a wildlife walk or having a pickup game in the park?

I think we are part of a very caring society. It is something that distinguishes us from our neighbour to the south, in my view anyway. I think many of our social programs are an indication of the type of society that has developed in Canada over the years. It is something we want to build on and improve on. With the vast majority of national and provincial sports organizations depending on government financial assistance, I think there has to be a freeze on allocations of public funds that would effectively ban the use of liability waivers within sports recreation.

We may all be familiar with the slip children are asked to sign that if there is an accident, the group will not be held responsible. This is certainly a very unacceptable practice. It is an attempt to absolve all volunteers and event organizers from any blame, even in the case of gross negligence, and deny the participant's right to due process under the law.

Clearly, these contracts violate section 7 of the Canadian Charter of Rights and Freedoms, but I believe, just as importantly, that this speaks against the kind of caring society that we have built in the past and that we want to continue to build upon.

There is a variety of concerns. One only has to follow the newspaper accounts of sports, whether boxing or hockey, and question the violence that is involved, the increased risk and the type of modelling that is taking place for our children. We cannot condone in any way uncalled-for violence within a sport, whether it is professional or amateur. Everything must be done in order to eradicate violence from sport. Where violence is occurring and appeals for reform are being ignored, I think there would be sympathy from the Ontario public for funding policies to be put into place that would terminate funds to any group that could not demonstrate a significant effort to eradicate violence from within that organized sport.

I want to talk for a moment about the concept of a universal sickness and accident insurance plan. The minister, in his briefing speech, talked about the need for interministerial decision-making and planning in order to address some of the issues that are concerned with the Ministry of Tourism and Recreation. I suggest to the minister that sports safety is one such area.

Universal sickness and accident insurance is a plan that would cover all accident victims, no matter what time of day or where the accident took place. It is a no-fault system, meaning that regardless of who may be to blame for the resulting illness or injury, the victim would receive an income. It is a system based on the principle of community responsibility; that is to say, society as a whole benefits from productive work and therefore should accept responsibility for the social cost of physical incapacity.

As well, the community must recognize that accidents are inevitable in many cases and that who the victims are is a result of chance. There is growing support behind the idea of a universal sickness and accident insurance plan in Ontario. Our current system is like a game of roulette, with accident victims receiving wide variations in compensation, from large court settlements to welfare, depending on when and how the accident happened. People with a variety of interests see a need for a more efficient and humane way of helping accident victims and I believe sports fall into this category.

### 1030

There are also those who have reservations about this idea. Some support the idea but feel the costs of such a plan would be prohibitive. Some feel benefits would be insufficient because of these costs. However, if we had one universal scheme, there would be a tremendous saving in administrative costs. There would no longer be costly disputes over who was at fault in the injury, nor would there be any of the costs associated with determining how much compensation would come and from what sources. With a single comprehensive system in place of the current web of private and public plans, there would be sufficient resources to provide a just level of service and benefits.

Several other countries have turned to universal sickness and accident plans. There are a variety of proposals in place that we can learn from. One such country is New Zealand, which has a complete program of universal accident insurance.

Since 1980, there have been numerous studies that have looked at the whole area of accidents and the insurance industry in Ontario. Each of these studies and other reports have recommended either the introduction or further study of some form of comprehensive accident and/or disability insurance program for the residents of Ontario. I am asking you, minister, to add your weight in cabinet to an appeal for such a plan. I think it impinges directly on your ministry.

On a daily basis, there are people whose lives are ruined, whose whole futures are destroyed as a result of accidents that are very often in the context of recreation of a nonorganized and informal type. I believe your definition of recreation, and my definition of recreation, is one that goes way beyond the formal structure of a league in any particular sport. If recreation is to be considered, as you have described it, part of a wellness program, a wellness package for the people of Ontario as part of a preventive health care system, then I think you will agree there are literally thousands of people per year whose lives are damaged and for whom there is no compensation.

While you address the issue of insurance in sports, I think we must address the issue of insurance in recreation. That is a distinction I want to emphasize today.

The Ontario Liberal Party delegates at a provincial convention unanimously approved a resolution that asked the provincial government to study the feasibility of establishing a universal accident and sickness program in Ontario. I must be frank and say this resolution came to me as somewhat of a surprise, given the demonstrated lack of interest in this concept by the Liberal Party in the past. However, I am always happy when the government sees the light. Perhaps the delegates to that Liberal convention saw the light. They did pass this resolution unanimously.

I have a real concern whether the Liberal government will move forward on the resolution of the minister's own party to study, let alone to implement, a program of universal sickness and accident insurance. When making this resolution to his fellow Liberals, your colleague the Treasurer and Deputy Premier, Mr. Nixon, stated that a universal accident and sickness plan is a good idea "whose time is coming." I suggest to you and to Mr. Nixon that the time has come. In fact, it is long overdue.

New Democrats, always the source of good ideas, are always pleased when, after expressing, explaining and promoting an idea for some 20 years, the dawning of light occurs in the minds of our colleagues in other political parties. So we would not be unhappy if the minister were to take our well-intentioned and very practical idea and apply it. I believe it would be received very positively by the people of Ontario. My only hope is that the people of Ontario will remember it was the New Democrats who consistently, over the years, encouraged you to take this very progressive step.



I will finish with a quote from Rosemary Speirs's column in the *Toronto Star*. She wrote an article entitled "The Obvious Program for Public Insurance." It was in the *Toronto Star* of May 11, 1988. The quote reads, "Maybe if just one more expert tells the Liberals the obvious, they will finally consider how to deliver social insurance more cheaply and efficiently to the poorest and most vulnerable citizens of Ontario."

I think what we are talking about here is a system that covers every possible area in society where citizens can injure themselves. I say to the minister again, please take the idea and run with it. Work with your colleagues in cabinet and try to bring about progressive reform. There is a real opportunity at the moment.

The government seems to be at a standstill and I think any cabinet minister who comes forward with a really progressive, exciting idea at this stage might be greatly welcomed by his colleagues as having something to present to the people of Ontario.

I join the minister and commend him on the commitment to the Toronto Olympic bid. Naturally, at this time, I would want to extend an invitation to the minister.

**Mr. Cureatz:** To come to Cambridge.

**Mr. Farnan:** I can say this with a great deal of confidence that the people of Cambridge will be happy to host—

**Mr. Cureatz:** I knew it was coming.

**1040**

**Mr. Farnan:** We are a very exciting community, very centrally located. Cambridge will be only too happy to extend our resources and facilities to make what we believe would be a wonderful Olympic experience in Ontario.

Just an aside: It concerns the information centres posted along Highway 401. This is just a small experience I had and I share it with you because I think it is something that can be looked at. The centres are very valuable and worth while. I believe the service that is provided at the centres—I have used them and I have had visitors and friends who have used them and have been very pleasantly delighted with the kind of support they received at those centres.

I do not know how frequent this is, but at one particular centre, as I travelled Highway 401, it occurred to me that the centre was located in a very dirty situation. There was a lot of garbage around the floor and it obviously had not been washed, etc. I wonder about the kinds of standards you have and the kinds of controls you

have on the facility in which the information centre is located.

It struck me it was unfortunate that the centre that was advertising the beauty and excitement of Ontario happened to be located in that kind of surrounding. I hope it was just an unusual circumstance where a janitor or custodian of the building was sick or had not come to work, or whatever the circumstance was. My wife remarked on it to me and I said to her at the time, "I'm going to mention this to the minister." Now I feel I have carried out my responsibility in that regard.

**Hon. Mr. O'Neil:** Do you recall where the centre was? Was it one of the Highway 401 centres?

**Mr. Farnan:** Yes, it was one of the Highway 401 centres. I was travelling east and it would have been beyond Oshawa.

**Hon. Mr. O'Neil:** Oh, that is my riding; it was likely in my riding.

**Mr. Farnan:** I did not want to say that.

**Hon. Mr. O'Neil:** Actually, it is just to the west of it.

**Mr. Farnan:** I have one area I want to finish off with and it is the area of lotteries. The issue is whether or not money from Ontario lottery profits should be channelled to the operation of hospitals. I am not sure if you have been quoted on this because I have not read any of your comments on the issue. I congratulate you for being so deaf, for being able to avoid the issue so successfully. I really do not know. Maybe you have been speaking out on the issue but I have not come across any statements from the minister. Personally, as the critic, I would be interested in knowing what the minister's views are on the subject. Perhaps you will share some of those views in your response.

**Hon. Mr. O'Neil:** It might help me if I knew what your views were.

**Mr. Farnan:** However, your colleague the Deputy Premier (Mr. R. F. Nixon) has commented. I take it that his comments would reflect the view of the government. There is the suggestion, which emanates from the Treasurer (Mr. R. F. Nixon), that funds from lotteries be used for hospitals.

Culture and recreation are preventive health care. I suggested that, and by the manner in which you nodded your head and from the content of the estimates speech you made, I can say you would agree. This is something the Liberals have been saying they want to improve

in order to reduce the cost of health care. I can listen to the Minister of Health (Mrs. Caplan) and I can go back and pull from Hansard all kinds of quotations where the Minister of Health has been talking about preventive health care.

I commend her because she is responding to suggestions New Democrats have been making for many years. It is a nice feeling for New Democrats when that happens after making those kinds of positive suggestions, even if it takes several years to find a response from the government. When eventually the Minister of Health started to talk about preventive health care, we felt a great victory had been achieved. Now, of course, we want to see that built into the system.

What we believe, and you have agreed, is that culture and recreation are part of preventive health care. The amount of money spent on culture and recreation currently is a drop in the bucket compared to the health care budget for hospitals. I think you will agree with that, minister.

When lotteries were first instituted, the government committed the profits from lotteries to culture, recreation, sports and physical fitness. Since that time, both the previous government and this one have tried to divert money from that purpose. All the profits from the provincial Lotto 6/49 and Super Loto were diverted to general revenue long ago—\$296 million in 1987 alone. Profits from Wintario, Lottario and the Instant, \$169 million in 1987, are left to fund culture and recreation and the Trillium Foundation, but \$369 million of that money has been allowed to accumulate while legitimate grant applications have gone unfilled.

As Bill 119 ominously approaches, the Deputy Premier is cynically, in my mind, trying to pit hospitals against culture and recreation. I want the minister to stand up to the Deputy Premier in cabinet and tell him that culture and recreation are part of preventive health care: healthy body, healthy mind, healthy society.

### 1050

I am sure the Deputy Premier must understand to whom these funds are going. When we talk about culture and recreation groups, we are talking about the men and women who try to teach our kids to play hockey. They are the people who are running the summer camps to keep kids off the street. They are a huge organization, huge because they represent tens of thousands of people right across this province.

All kinds of sports associations have already communicated with me. I have a large dossier of

Ontario sports groups and I am sure the minister has similar correspondence. They are very upset. They are not saying, "We want it all." They have never said they wanted it all. They only want a guarantee from the Treasurer that their funding will increase and not continue to decline, as it has. There is nothing in Bill 119 that provides this guarantee. In effect, Bill 119 is going to allow the Ontario government to commit an act of theft. It is going to allow the Ontario government to garnish \$369 million from culture, sports, fitness and recreation.

I want to explain this: "Since 1975, the profits from Wintario, Lottario and Instant games have been deposited into the consolidated revenue fund. However, each year not all of the profits were spent on the dedicated beneficiaries: culture, sports, fitness and recreation. By 1988, the total value of unspent profits was \$369 million," and that is the money we are talking about. "Section 2 of the bill will transfer all that money to the Legislature"—that should read the cabinet—"for immediate appropriation to hospitals."

"While the Ontario Municipal Recreation Association agrees that solving the financial crisis of Ontario hospitals is a commendable goal, the money should not come from recreation. Accepting section 1 of the bill requires OMRA to trust the government, to believe that they are willing to commit financial resources to recreation in Ontario, but the track record of the government proves otherwise. In 1985, the unspent moneys in the consolidated revenue fund totalled \$292 million, an average increment of \$27 to \$28 million each year, and over the next two years the total grew to \$369 million, a growth rate of \$38 million each year.

"From 1977-78 to 1985-86, tax-based revenues spent on CRCA grants dwindled from \$19.4 million to \$2.8 million. During three years of rule by the current government, the money spent on this program each year was zero dollars."

**Hon. Mr. O'Neil:** What is the program again?

**Mr. Farnan:** Community Recreation Centres Act grants.

"Another tax-funded source of revenue available to communities is regulation 517. In 1985-86, the government miscalculated the total requirement, \$5.1 million instead of \$5.8 million. In each year since, the exact same total was made available and no attempt was made in any budget to reduce the shortfall.

"In fiscal year 1987 and fiscal year 1988, the Ministry of Tourism and Recreation received an identical budget appropriation. No increase was



deemed necessary to meet the demands of inflation, population growth and increased amounts of leisure time. The OMRA believes that the government has not proven its financial commitment to the recreational needs of communities and citizens of Ontario. How can we trust them when they tell us that only residual revenues, those not given to culture, sports, fitness and recreation, will be allocated to the Trillium Foundation and the hospitals? Who defines residual revenues?"

The organizations of this province do not want Bill 119 passed as it is currently written. They are asking that it be rescinded, and certainly it must be sent to committee. The government must have the intent of at least sending it to committee where these groups can make their voices heard.

My own preference, of course, is that it be rescinded and worked on again, because the track record of the government in sending out legislation to public hearings—I think of the Sunday shopping legislation—is one where there is simply a process where the people speak and the government does not listen. It goes along like a juggernaut to implement legislation that is clearly against the will of the people.

I think Bill 119 is a similar piece of legislation. Letters from the Ontario Arts Council, from the Boy Scouts, from every conceivable group reinforce this position.

Locally, the Conestoga Five-Pin Bowling Association, which covers the areas of my home base—Cambridge, Kitchener, Waterloo, Stratford, New Hamburg and Elmira—joined its voice to requesting the rescinding of Bill 119.

It said: "We are not implying that health care is not important, but rather that the funds be used for what they were originally intended. Health care is covered under other budgeting, and possibly that budget should be reviewed, rather than funds be taken from other areas to correct the situation. If these funds are taken away, many amateur sports will suffer a great setback and, in turn, many youth participants and adult volunteers will be lost."

This is part of a letter I received from Sandy Broman, president of the association, and I believe the minister also received a copy. I think he speaks, not just on behalf of the five-pin bowlers, but of all sports participants across the province.

With this legislation, the government is retroactively taking money away from culture and recreation.

I have a problem with lotteries in general.

1100

**Mr. Callahan:** What about the Irish sweepstakes?

**Mr. Farnan:** It is no longer in existence.

**Mr. Callahan:** No, but it was for hospitals.

**Mr. Farnan:** The member for Brampton South makes reference to the Irish Hospitals' Sweepstakes. It was for hospitals. The name of the lottery was the Irish Hospitals' Sweepstakes and the government in Ireland made a commitment that the money being raised was for that specific purpose. This government made a similar commitment that the funds from lotteries were for sports and recreation. What I am saying is to have the same commitment as the Irish government had so that the funds raised should go to precisely what they were intended for.

The member for Brampton South does bring up a good point. If you are going to designate funds for a specific area, then stick with your word. It is always pleasant for the public of Ontario when it finds politicians of integrity whose word means what it says. The government said these funds will be designated to sports and recreation. To backtrack and retroactively take funds that were generated on the basis of sports and recreation is wrong.

Let me say that when governments start to use lottery money, which comes from a regressive tax, to support social programs, it is a clear sign of fundamental financial and moral problems.

**Mr. Fleet:** Is it immoral to help a hospital?

**Mr. Farnan:** Let me emphasize just how regressive this kind of tax is. Poorer Ontario citizens have paid a bigger slice of their income than the rich to build sporting and cultural facilities. Poorer families do not buy more lottery tickets than well-off families, but the tickets they do buy take a bigger bite of their income.

**Mr. Fleet:** Is it a moral problem to allow them to voluntarily buy a ticket?

**Mr. Farnan:** Social policy planners call this a regressive tax.

**Mr. Fleet:** It is not a tax if they volunteer to buy a ticket.

**Mr. Farnan:** I can see the member squirming in his seat and I can understand why Liberal members would squirm in their seats.

**Mr. Fleet:** It is not a tax. To call it a tax is clearly inaccurate.

**Mr. Farnan:** In 1986, 49 per cent of families with incomes under \$10,000 bought lottery tickets, spending an average of \$49, according to Statistics Canada. By contrast, 81 per cent of

families with incomes between \$50,000 and \$60,000 bought tickets, spending an average of \$238. For low-income families, that expense amounted to 0.65 per cent of their total income. For the higher-income families, it was just 0.25 per cent. In that sense, I put it to my Liberal colleagues, lotteries are truly a regressive form of taxation.

**Mr. Fleet:** Is it a tax if you buy a ticket to go to Ontario Place? It makes no sense.

**Mr. Farnan:** Governments should not depend on them to fund our social programs.

**Mr. Chairman:** If I could make a suggestion here, Mr. Farnan, if you direct your questions to the minister, through the chair, perhaps these asides would not get us sidetracked.

**Mr. Farnan:** I take that as very good advice. I have to say I have admired the manner in which the minister has received my suggestions and my statements, albeit they may be controversial at times, in a very dignified manner. I just wish that his backbench colleagues could emulate his style. Certainly it would add a great deal of decorum and dignity to the proceedings.

**Mr. Cureatz:** Well, that is why we are not getting a salary raise, because they are so bad over there. I can understand that.

**Mr. Callahan:** Where did that come from?

**Mr. Farnan:** And the minister is free to use that quote in his next House—

**Mr. Callahan:** Any port in a storm, Sam.

**Mr. Farnan:** Let me say that New Democrats do not believe hospitals should be lottery-supported. Health care is a fundamental and important part of the social fabric in terms of the needs and rights of individuals.

**Mr. Sola:** You just called it a tax.

**Mr. Farnan:** It should be funded from general revenues.

We have a situation where, if we are going to use lotteries for health care, what are the criteria? We looked at the income from lotteries. It is not stable; it is not guaranteed. What does that suggest to us? Does it suggest that in good lottery years, when people are buying more lottery tickets, we will have a little bit more service? In years when people do not buy lottery tickets, we say: "We are sorry. You just can't have your operation, we didn't sell enough lottery tickets." I would suggest to the government that this is not a manner in which to deliver the health care needs of the citizens of Ontario.

I think of the father of medicare, our former federal leader and the Premier of Saskatchewan,

Tommy Douglas. If anyone had suggested to him: "Your idea is terrific. Let's have a good comprehensive health care system. But let's have lotteries; in good years we will have good health care and in bad years just won't do as much."

It really is sad. Health care is an integral, important right that the citizens of Ontario and Canada have come to expect. They demand from our governments and our elected leaders a secure and guaranteed source of income for our health care system.

**Mr. Fleet:** Which taxes do you want to increase in order to subsidize?

**Mr. Farnan:** I was speaking to the minister on this issue.

**Mr. Cureatz:** You are in the government, that is your problem.

**Mr. Fleet:** He does not want to answer my question.

**Mr. Farnan:** Hospitals are absolutely fundamental to our quality of life. You can choose not to use cultural and recreational facilities, but you cannot choose not to use hospitals. I would suggest to the minister that, as you look around the province at the alliance of people who are reflecting on the situation, I would say to you, all of these people have had correspondence with you. We want you to play a strong role, not just in the recreation area, but in the health care area. You are doing a service for the people of Ontario's health care by demanding that these funds be made available for enriched recreational programs, which we believe is part of the preventive health care program.

We look back at the history of what transpired during the minority government. A bill was introduced to direct profits from the three provincial lotteries to general revenues. At that time there was a very well-orchestrated protest by sports and cultural groups and the minority Liberal government was forced to withdraw it.

**Mr. Cureatz:** Those were the good days.

**Mr. Farnan:** Now we have a majority.

**Mr. Cureatz:** Large, hideous majority.

1110

**Mr. Farnan:** These groups fear that their protests will go unheeded. Under the new system, under the new legislation, the profits from all six lotteries will go into the same pot. Enough money will then be shared between sports and cultural groups and the Ontario Trillium Foundation. What is left over will go to pay hospitals' operating costs. But nobody says what the guarantees are for sports and recreation.



I am reminded again of the Sunday shopping issue. In a minority situation, the government listens. In a minority situation, the all-party task force had reported that we wanted a common pause day. The Premier (Mr. Peterson) listened because of his desire to maintain power. With the lottery funds, in a minority situation, the government listened.

Why is it, Minister—maybe you might be able to shed some light on this—that when you have a majority government you stop listening? The people of Ontario are at a loss over Sunday shopping, over this legislation. If it is a matter of principle, surely you would have gone ahead with this in a minority situation. But it is not a matter of principle. It is a matter of convenience. Bill 119 does not spell out how much of the profits will go to each sector. The critics of the bill fear that the government plans eventually to give hospitals the lion's share of the spoils.

The government is saying to the groups, "Do not worry, sports, hospitals are only going to get the residual revenues." But who is going to say how much is residual? Who is going to decide how decisions are going to be made? The member for Brampton South (Mr. Callahan) brought up an interesting point and it is one that I will finish on in this area.

There has to be a commitment that is clearly defined and well understood as to what their source of revenue is, how much it is and whether it will be ongoing. That is what you must tell those in sports and recreation. If the government wants to play the role simply of arbitrary dispenser of funds, in my view, it creates a very unstable and uncertain situation for the areas affected. This whole approach smacks of paternalism and arbitrariness.

Again, maybe these are the characteristics of a majority government. I hope they are not. I would sincerely hope that the minister will be able to influence his colleagues to bring to government the same kind of style and the same kind of openness that you have demonstrated, but I hope, Minister, that in cabinet you are going to demonstrate a toughness that you are not prepared to treat the people of Ontario in this way.

The lottery ticket buyer has the right to know. If you must have lottery tickets, regressive as it may be as a form of taxation, the lottery ticket buyers should have to have the right to know where their money is going. Up to this point, they had some idea. The legislation that has been introduced by the Premier takes away that right. So not only will you have regressive taxation, but

that money then goes into a kind of general slush fund for the government to carve it up where they feel they want to put in patches here and there. Using a slush fund simply as a crisis fund for hospitals is not the way to deliver quality health care in Ontario.

I would like to ask the minister, as you respond, if you could just give the committee the input you had into the Temagami decision. I am certainly interested in what transpired. It has been the subject of considerable debate in the House and coverage in the media. There are many tourist and recreation groups out there which would be anxious to know precisely what the role of the minister and the ministry was, to this date, in the decisions that have been made.

Back to lotteries for a moment. I just want to talk about the printing of lottery tickets. There is some discontent among printers, the typographical union and, I am sure, among Ontario companies which are in the business of printing tickets, with some of the decisions that have been made by the ministry with regard to printing of tickets.

I have correspondence from the Toronto Typographical Union, Local 91. It is signed by the president, Douglas W. Grey. A copy of this letter was sent to the minister. It is dated June 1. I would like to read the letter into the record.

"The Toronto Typographical Union has represented production workers at Ontario Banknote Ltd. since 1981. Ontario Banknote has been printing Wintario tickets from 1976 to 1982. They lost the contract to another Ontario printer in 1983, and regained the contract in 1986. They have retained the contract until the recent notice of termination of the agreement by the Ontario lottery commission.

"The enclosed letter from Mr. Gaston Boulanger, and the history leading to the cancellation of their contract with Ontario Banknote May 11, 1988, are self-explanatory.

"As president of the Toronto Typographical Union Local 91, I am astounded that the Ontario lottery commission has gone outside the province to tender the lottery tickets while the contracting party is conforming with the Ontario content rule. Seventeen to 20 workers will be laid off indefinitely in October 1988 as a result of this change in policy to get tenders from all across Canada.

"It is our understanding that Pollard Banknote has won the contract. The company has two plants, one in Manitoba and a new plant in British Columbia. In order for Pollard to win the BC lotteries contract, they promised to build a plant



in BC. It is our guess that Wintario tickets will be printed there. It would have made sense for Ontario to demand the same consideration so that work would remain in Ontario.

"At this point in time the workers at Ontario Banknote do not know about the loss of the Wintario contract and the fact that many will be laid off by the end of October 1988.

"We have also learned that the new Ontario Lucky Match Instant Lottery tickets are printed in the USA. (See attached.) We demand that this stop immediately and that these tickets be printed in Ontario as well.

"It appears there are several policies in effect: one to have Ontario content, one to have Canadian content and one to print the lottery tickets in the USA or elsewhere. It certainly doesn't make sense.

"We are hopeful that the Ontario lottery commission will change their mind and reconsider their decision. The political fallout from such a decision will be interesting if it goes to the news media and Queen's Park.

"Toronto Typographical Union Local 91 urges the following:

"1. The Ontario Lottery Corp. reconsider the termination of the Ontario Banknote contract for printing Wintario tickets, and allow the present contract to run to its normal expiry date.

"2. That the Ontario content rule be kept in full force for all Ontario lotteries.

"3. That when the Wintario contract with Ontario Bank Note expires, only Ontario printers be allowed to bid on all Ontario lotteries.

"Immediate action on this important matter would be appreciated."

## 1120

It strikes me as strange that we would be having tickets printed in the United States for a Canadian lottery.

Just as an aside: it is not very related, but I had a chap call me yesterday who runs a limousine service. He took three company officials from Kitchener to Detroit-Windsor yesterday. He delivered the three company officials to the plant in the United States. The chauffeur stayed overnight in Windsor. The next day, when he wanted to go back and pick up the three company officials, he was denied the opportunity of crossing the border. The reason was that jobs of US citizens were being taken away by a Canadian taxi going to pick up these three Canadian company officials who were staying one day in the United States. This happened just yesterday. That is extraordinary, free trade and all.

And we are sending the printing of lottery tickets down to the United States for lotteries that are run in Canada, in Ontario? I would suggest that we had better not be ashamed of our identity and we better start standing up for our identity. It is all very well waving Canadian flags in front of cameras and giving tremendous speeches of national identity, but if we cannot produce lottery tickets in our own province, a highly industrialized province, and we have to send them off to the United States, there is something radically wrong.

I say to the minister, act on this swiftly and promptly. I would like a guarantee from the minister today that any Lottario tickets or any tickets produced for any lottery which comes under your jurisdiction be produced in Ontario. There may be some extraordinary circumstances where they may have to be produced beyond Ontario but in Canada.

I cannot understand a circumstance where we would be putting Ontario printers out of work while US printers are printing government-approved lottery tickets. That, to me, is just indefensible.

In the same manner, during the testing of lottery tickets, I would like the assurance from the minister that a thorough search and investigation take place so that testing procedures of lottery tickets can take place in Canada. Again, it strikes me as a reflection of a very poor self-image that says, "We are going to run a lottery system and we are going to have the tickets printed in the United States and we have going to have our testing carried out in the United States."

I think no amount of flag-waving will increase my dignity as a Canadian or as an Ontarian if I am simply sending off to the United States what I consider to be work that can be produced in Canada by Canadian printers and tests that can be carried out in Canada by Canadian scientists. I suggest to the minister and to this government that it would be a much more significant indication of our patriotism were we to insist on an Ontario policy and a Canadian policy.

Compare that with an American border guard who refuses access to a Canadian limousine company to pick up three Canadian passengers to return them to their home in Kitchener, because it will deprive United States residents of work. How do the Ontario printers feel who have lost their jobs because of some of the policies we have put into place that put work down in the United States? I know they feel very bitter.

Minister, I want to thank you for listening so patiently to me. I think I have outlined probably about four, maybe five major areas of concern I have. There is much I can commend in your speech, but I believe the big issues are issues that go beyond your control. I do not think the issues I have highlighted—probably the issue of rails to trails needs some support in cabinet, but I think that is a very important issue you will have significant impact on. On other issues, like safety in sport, I think you have to get support beyond your ministry. On the issue of roads, there has to be support beyond your ministry.

You probably noticed in the news last night concerns about traffic at the Toronto airport. I mentioned that in the estimates last week. We have to be concerned that what we package in terms of Ontario is actually what we deliver. When you see those beautiful pictures of cars cruising down traffic-free highways, it is an image that sometimes is a little bit different from what we have experienced in some of the hot bottleneck areas of our province.

As tourism will represent probably the most important industry in the year 2000, in that sense it is a responsibility not just of the Minister of Tourism and Recreation; it is a responsibility of the Premier (Mr. Peterson) and of his entire cabinet and government. The stature of this ministry has to increase.

1130

The Premier should very quickly appoint several individuals from the hospitality-tourism area to the Premier's Council. It is a very sad reflection that in setting up the Premier's Council there are all sorts of high-tech individuals involved—we do not want to belittle the importance of high-tech to our future—but it is generally considered a fact that tourism will be our number one industry by the year 2000. How this Premier and this government can have a Premier's Council without significant representation from the hospitality-tourism community is beyond me. I ask the minister to approach the Premier immediately, if he has not done so already, to suggest this be rectified.

I look forward to your response. I want to thank you once again. I very much enjoy working with you and I hope the kind of relationship we have had in the past will continue into the future.

**Mr. Chairman:** Thank you, Mr. Farnan. In recognizing the minister, I would like to remind the committee that there may be a vote in the House on towards 11:50, and if the bells begin to ring, we will adjourn at that point. The minister has indicated he proposes at this time to answer

as many of the specific requests put by Mr. Farnan as is possible in the time remaining.

**Hon. Mr. O'Neil:** I have a statement in answer to your questions and those of the Conservative critic last week. He should be here shortly or first thing this afternoon and I will read that statement at that time, answering or attempting to answer those questions that were asked by both of you. If we can, what we will do now is try to deal with some of the issues you have raised this morning that are current with us.

If I may, before I begin, I would like to introduce some people who are with us today from some of the boards and agencies. I guess Patti Starr stepped out for a minute, but she is the chairman of Ontario Place Corp. We have with us Ed Cieszkowski, who is the general manager. Also, from the St. Lawrence Parks Commission, we have George Speal who is the chairman and Bob Mitton who is the new general manager.

From the Metropolitan Toronto Convention Centre, we have John Maxwell, who is the president and chief executive officer. We have Syd Widdowson, who is the vice-president of finance and administration. From the Ontario Lottery Corp. we have Walter Stothers who is the chairman, and Adam Hawkins who is the acting president.

One of the latter points you mentioned was tickets being printed in the United States. As we have Mr. Stothers with us, maybe I could ask him if he would come up to the table here. This issue has been raised with me on a couple of occasions and I know it is a concern of yours and of the union. I think Mr. Stothers can shed some light on this that will explain why the decisions were made and some of the things we are presently dealing with. I think that would address some of your concerns, Mr. Farnan.

**Mr. Stothers:** On the ticket printing, as you recall, we had two games that were recalled because they were not secure. Once that happened, it was important to get another ticket back on to the market. We tried to negotiate with every Canadian printer and could not get a delivery date that was satisfactory to the lottery corporation. So we did the next best thing and dealt with a Canadian outfit that had a printing plant in the United States, and said, "Could you provide tickets to us on a timely basis?" They agreed. So we ordered enough games from them to allow us to put out a new request for proposals to the Canadian printers.

We have just awarded a contract to a Canadian printer for some Instant tickets and we are negotiating with another one for the balance of



the tickets. I think we are fully in support of what you say, Mr. Farnan, in that we are trying to deal only with Canadian printers. The policy of the government is not to limit it to Ontario. The policy of the government is to deal with Canada as a whole and therefore we circularize Canadians as a whole.

At this date, other than the couple of games coming in from the United States, all of our tickets are manufactured in Canada. All our bet slips are manufactured in Canada.

**Mr. Farnan:** What percentage of tickets are printed in Canada?

**Mr. Stothers:** It will be 100 per cent.

**Mr. Farnan:** And right now?

**Mr. Stothers:** Right now, from this point forward, there are no further tickets being printed in the United States.

**Hon. Mr. O'Neil:** As Mr. Stothers mentions, there were some circumstances, in the printing, about being able to get tickets replaced. The Canadian printers could not give us that supply within the time we needed them. But knowing the concern you and others have expressed to me, I feel this now has been addressed in my discussions with Mr. Stothers and with the Ontario Lottery Corp.

As Walt Stothers mentions, I know there has been some question about having some of the tickets printed outside of Ontario, but again, we are Canadians and it is our feeling that it is a Canadian-first policy.

**Mr. Farnan:** Yes, I can accept that. Can I focus on the point made in the letter from the typographical union, saying that there was some pressure from the British Columbia government? They say it was their understanding that there was, that if the printing plant were located in British Columbia, the company in question would get the contract.

**Mr. Stothers:** The BC government does have a contract with a printer in BC. They put up all the money for the plant, as I understand it, and they have agreed to buy tickets from them for the next five years. But they are then captive of that plant. In fact, we do not buy our tickets from that plant, by the way. You mentioned that you thought we were.

**Mr. Farnan:** Yes. That was the understanding of the—

**Mr. Stothers:** They are not correct. We are buying the tickets from their Manitoba plant.

**Mr. Farnan:** It is the same company.

**Mr. Stothers:** Yes, the same company.

**Mr. Farnan:** The concern I have is that there has to be some stability for a Canadian company in a contract. If tickets are being taken off the market, I suggest that creates an unstable situation. What sorts of contracts are being given by the Ontario Lottery Corp.? Is it giving five-year guarantees?

**Mr. Stothers:** No, our contracts go for a maximum of three years. We do not have anyone longer than three years.

**Hon. Mr. O'Neil:** Maybe I could add something, and maybe Mr. Stothers may want to correct this somewhat, but it is my feeling that the ticket business is a very competitive one. We would like to see as many competitors as possible so that we get the best price possible. We work towards this end. As Mr. Stothers says, the contracts are not usually longer than three years. We try to have competitive bids on this so that we are not held for ransom by one company.

**Mr. Farnan:** The policy is that there will be only Canadian-manufactured tickets?

**Mr. Stothers:** Yes, and it always has been. The only time we go outside is in an emergency when we cannot get supplies. We do not see that happening in the future, but I cannot give you a guarantee because the important thing is to have enough tickets to go into the market.

**Mr. Farnan:** Could you address the issue of testing.

**Mr. Stothers:** Yes. I am glad you brought it up because it has been a concern of mine ever since I have been chairman. I have discussed it many times with the minister and he has encouraged me to get a testing lab set up in Ontario. We are working very closely with the Ontario Research Foundation to try to get it licensed by a corporation in the United States that already has the expertise.

There is a great deal of expertise in the testing of tickets, as I am sure you realize. What we are trying to do is get them to be licensed so that they can in fact carry out the testing here and do the testing here.

You have to understand that in my position as agent general, I do everything I can to get the development of industry into the province. I am really working with two hats on that one, both towards the same accomplishment.

1140

**Hon. Mr. O'Neil:** Maybe we could touch on some of the other matters you mentioned, first of all talking about recreation and preventive health care. I have to agree with you totally on that. It is



also our very strong feeling within the ministry, especially on the recreation side, that the more people who are involved in the recreation area and in sports and fitness, the healthier they are going to be. Of course, from that comes fewer health costs. We feel that part of the ministry and the area you talked about is very important.

You spoke on the matter of Bill 119 and the concerns you have concerning it. I would like just to point out that it is my feeling, after discussions with the government and the Treasurer concerning Bill 119, that the proposed amendment to the Ontario Lottery Corp. will not be a reason that will jeopardize the funding that is going to recreation, sports and fitness and the cultural areas.

We have discussed this, and I know there has been a very strong lobby group that has been lobbying against it, not only when it was introduced before but also at the present time.

I should also mention to you that on Monday of this week I set up a meeting between the Treasurer and the Parks and Recreation Federation of Ontario. We had an excellent meeting where the people representing that group came in and talked with the Treasurer about their concerns about Bill 119 and the guarantee of funds to recreation, sports and fitness and the cultural groups.

There were people there from all those different areas. I feel that the Treasurer gave them an excellent hearing, that he listened to their concerns. He also expressed some of his concerns. I guess it is my own feeling on this subject that as minister, it is my job to fight as hard as I can to make sure we have funding for these particular areas. We have been doing that with the representations made to the government, and as I say, as late as Monday with the Treasurer and with this group, meeting with them.

What you have to understand, and what the recreation, sports and fitness groups and the cultural groups have to understand, is that what I feel they should be concerned with is that they are given sufficient funding so they can carry out the programs they are involved with. Again, that is not to say they are going to expand their programs and look for very large additional amounts of money.

The thing is that when the lotteries were introduced, there was no idea those lotteries would ever generate the type of funds they have generated. I have asked my staff to supply me with the type and the amount of funding that has been going towards the recreation, sports and fitness and cultural groups; to give me figures. I

can say from looking at those that the government has dealt very fairly with the ministry in the amount of funds it has allotted to that area. It is not as much as they would like to have, and likely many would like to see more funds going to them, but there are certain restraints and certain things that have to be looked at.

In my statement this afternoon, I will touch on the amount of funding that has come to the ministry over the last number of years. I think you will see from those figures that the Ministry of Tourism and Recreation has indeed received increases every year. Again, it may not be the amount some of these groups or some of our client groups would like to see, but again, knowing that there are certain restraints and restrictions right across the board, I think it has been fair.

You mentioned retirement planning and seniors' programs. Again, within our ministry we have groups of people who are dealing with that. I would say they have been quite active in some of the things you mentioned, some of the concerns and some of the praise I think you had for programs such as this.

I guess one that I would mention is something that took place down your way just a few months ago, the senior games that were held in Brampton. Knowing that the member for Brampton South is here, I might say they had one of the largest turnouts they have ever had of seniors who came to Brampton to participate in those games. As you know, they have their own senior games within their areas and then the winners of those games come to one location and take part in the senior games. The city of Brampton and the surrounding area did an excellent job in organizing that. Again, it was one of the largest groups they have ever had.

It was my privilege to go down and be the guest speaker at one of their dinners. It was the first one I was at and I was very impressed with the job the ministry staff and organization staff from both Brampton and the senior games did.

**Mr. Callahan:** Make 1,000 copies of that Hansard.

**Hon. Mr. O'Neil:** Make sure we send it out.

I agree with you, Mr. Farnan, it is a very important part of the job that the ministry and other ministries of the government should be doing to help in this overall planning.

You also touched on volunteerism. One of the great things I have seen in the area of recreation over the last year has been the great job that is being done by the volunteer sector in the recreation, sports and fitness area and also in the

cultural area. People assist, whether it is coaches or people who help in all areas of the sports, fitness and recreation area. Certainly, if we did not have those people who are assisting, it would likely cost us hundreds of millions of dollars to fill the void that would be left by volunteers. So it is very important to us.

You mentioned the Olympic list. I think your suggestion is a very good one. Sometimes when we talk about our programs in recreation, there is the tendency to talk about the ones who are the winners. I can tell you that one of the things we try to impress through our recreation division is that we want full participation. We want people who are maybe not the top athletes to participate in things. We try to work towards that goal so that people are helped in all areas.

Your suggestion about introducing a list of all those who competed in the Olympics in Seoul is an excellent one. I have asked our assistant deputy minister for recreation, Bob Secord, to supply us with a list and we will make that list available to the committee after lunch. Possibly that list could be included as part of Hansard so that their names will be in the record. I thank you for that suggestion. I think it is an excellent one.

You talked about sports safety and, again, you mentioned the insurance program. I may call upon Bob Secord in a minute to say something on sports safety, but I can tell you that the ministry does consider the matter of safety and injury prevention in the field of amateur sport as a very important one.

The recent report of the Ontario Sport Medicine and Safety Advisory Board—and I think you received a copy of it—has provided many practical recommendations to stimulate discussion on this matter. As you are also aware, we have just established an advisory committee on sports, fitness and recreation safety composed of experts in the field of sports safety. It is my feeling that considerable progress has already been made to date on a number of fronts.

In addition to this, I think you are also aware of my statement in the House a short while ago that we have just put an amount of \$1.76 million into the safety program, which will be undertaken in line with the board's recommendations. That board has already had two meetings and it is going full steam ahead to make sure that many of the areas in the sports safety field are being addressed.

1150

We have had a lot of injuries over the last number of years and I think it is important that those be identified, which they have been, and

that we proceed with the work to reduce the number of injuries in that area.

We also mention the area of hockey and the number of injuries we have had there. I can tell you that we have had top co-operation from the people at the Hockey Development Centre for Ontario, located here in the city. They have been working very hard over the past number of years in this area to reduce the number of accidents that have happened in the hockey field.

Some of the initiatives in this area: They are attempting to create a one-sport organization for hockey in Ontario; we have given grants to improve training of therapists and trainers; we are determining the feasibility of an independent association for hockey officials, and we have given grants to purchase hockey goal nets with breakaway capabilities on a cost-sharing basis with the municipalities.

Also, we are going to be participating, within the next week or two, as we did last year, in what we call the penalty-free sweepstakes—one of the sponsors of that is Esso, along with the ministry—whereby we give awards throughout the province to hockey teams that have games which are penalty-free. This has generated a lot of interest and helped towards that goal where we can, as you mentioned, do away with the violence in hockey.

The Hockey Development Centre, along with our people in the new safety committee we have set up, has those goals in mind. I agree with you totally that the violence in hockey should be done away with completely. We are working towards that, so I appreciate your comments on it.

I wonder if I could ask Mr. Secord to make a few comments on what we are working on in the liability insurance field; just a few short comments for Mr. Farnan because he had some concerns on that. Bob Secord is the assistant deputy minister of recreation.

**Mr. Secord:** I would like to make just a couple of preceding comments. You mentioned in your remarks about honouring the Olympic athletes. The minister will be hosting a banquet honouring all of the summer and winter Olympic athletes next April 7 as part of our annual sports awards banquet presentation.

**Hon. Mr. O'Neil:** By the way, I will just say that I would like to make sure that the critics in the area are invited to that banquet. I enjoyed it last year and I think you would enjoy coming to it, too. We will make sure they have invitations.

**Mr. Farnan:** I want to thank the minister. I would have much preferred to see them in Seoul, but seeing them in Ontario will be fine.



**Mr. Second:** I have a couple of other comments on the safety issue that has been discussed. It is a matter the minister has addressed in terms of the new initiatives that are really directed towards three major components. First, public awareness of the importance of safety and all that that involves. Second, research on the cause of injuries and how they may be prevented. Third, an analysis of all of the factors that go into playing a sport. That is being done in connection with the provincial sport associations and that would include such things as potential rule changes, facility renovations and other things which would reduce, if not eliminate, hazards in participation.

As far as the insurance issue is concerned, that again is being dealt with by a survey which was begun through the provincial sport associations. There was some suggestion of a national scheme and the information that we have at the moment is that it probably could be better developed within the sport framework in Ontario. We will be proposing to the minister a way in which that insurance can be made available to participants through their affiliation.

I think you are probably aware that in Ontario there are 76 different sport associations, all the way from archery through basketball to wrestling, weightlifting and yachting. They are the ones who will be responsible for developing the rationale for the coverage.

**Mr. Farnan:** We would endorse and commend all of the things that you have suggested in the three areas of investigation that would reduce accidents. But during my presentation to the minister, I distinguished between organized sport and informal recreation pickup sports—kids just going to the park or cycling their bikes, whatever it is.

When you talk about the input that is coming back from these 76 organizations, I take it you are talking about organized sport.

**Mr. Second:** Yes.

**Mr. Farnan:** And I take it they are actually looking at ways of working with the government to deliver insurance within organized sport. So it really does not answer the question that I raised in terms of a universal health and sickness program, because what is happening right now is limited in function to organized sport.

**Hon. Mr. O'Neil:** Maybe I could touch on that, because it sort of gets out of the field of the ministry and it comes into the type of government policy. Again, I appreciate the concern that you have and likely some of the cases that you would

have for backing up why you have certain concerns in that area.

I will ask my staff to make sure that the comments you have made today, which will be recorded in Hansard, are passed on to our people to express that concern. You also said you had mentioned it to the Treasurer. Again, I will make sure those comments are made known to him.

You also mentioned the travel centres. With most or all of the travel centres, the way that is handled is that usually we have leases within the travel centres, in the Highway 401 centres. I would say that any time we have any complaints about the condition of those, I would appreciate receiving those complaints. Even though we are not in charge of the centres, we do rent from them. It is my feeling that we do not want to be in a location that is not kept clean. Everything should be kept right up to par. Any time you have any complaints on that, please let me know.

You mentioned Temagami. Of course, as has been mentioned in the Legislature, the decision that was made by the government was a very long and a very difficult one. There are a lot of different opinions and things that people feel the government could likely have done. But I can tell you that as far as our ministry is concerned—because we are very involved with tourism in the north, which I feel is very important to the economy of the north—we have been involved in the meetings that have been going on in the north to put in our input as to how it relates to tourism.

I do not know whether you are aware that early in November I assigned a planning group to spend several weeks in the Temagami area to identify specific tourism development opportunities in the north. This group includes six staff from my ministry and one each from the Ministry of Natural Resources and the Ministry of Northern Development. This tourism unit will work with the municipal leaders, tourist operators and native people to identify opportunities that could enhance the ability of Temagami and Latchford to attract and retain more visitors in all seasons and, hopefully, provide jobs in the north in the tourism sector.

You also touched on the lotteries and testing facilities—

**Mr. Chairman:** I think that has been covered. I am going to have to interject at this point. The clock that we go by is at 12. I would like to adjourn the estimates of the Ministry of Tourism and Recreation on vote 3601, item 1, until approximately 3:30 this afternoon.

The committee recessed at 12 noon.

## AFTERNOON SITTING

The committee resumed at 3:31 p.m. in room 228.

ESTIMATES, MINISTRY OF  
TOURISM AND RECREATION  
(continued)

**Mr. Chairman:** The chair recognizes a quorum. The minister was in the process of answering some of the questions put by the critic from the official opposition (Mr. Farnan) and it was our intention, as chair, to give the floor to the critic of the third party, Mr. McLean, at the commencement of this afternoon's activities, so I recognize Mr. McLean.

**Mr. McLean:** Is the minister going to make his statement now or answer some of the questions?

**Hon. Mr. O'Neil:** I can, if you like, yes; whatever you like.

**Mr. Chairman:** My understanding was that you had a few more questions to put, which we thought we should get on the record, and then what the minister preferred to do was give his statement at the end of that, which would complete the first round of events for the estimates.

**Hon. Mr. O'Neil:** Unless you want me to go ahead; no problem with that.

**Mr. McLean:** It does not really matter to me. I can proceed with some of the questions. I will do that at this time.

Some of the other questions that I had were with regards to some of the costs of the ministry. I am curious about travel expenses. Do they include accommodation and meals for their total allotment?

**Hon. Mr. O'Neil:** Yes.

**Mr. McLean:** You have some people who do a fair bit of travelling, by the look of it: Mr. Clarke with \$18,800; Mr. Courtney, \$26,700; you have a Mr. Henry with \$23,800; Mr. McCall with \$19,000; Mr. Murphy over \$15,000; and you have a Mr. R. Zizman, \$34,000. Is that a lot of air travel, or what would be the cost of the travel in those?

**Hon. Mr. O'Neil:** Why do we not deal with it while we are at it, if it is okay, Mr. Chairman?

**Mr. McLean:** Okay.

**Hon. Mr. O'Neil:** Mr. Keenan will deal with that.

**Mr. Keenan:** For Mr. Courtney and Mr. Zizman: Mr. Zizman is our regional director in Thunder Bay and he is on the road at least a couple of days a week, and back and forth to Toronto, which accounts for his expenses; similarly for Mr. Courtney in Kenora, the area that he covers. Mr. Henry: during the time that those expenses were incurred, he was in the tourism marketing branch and he incurred those expenses for travel associated with the travel trade function, dealing with sport shows and various events, mostly across Canada and in the United States.

**Mr. McLean:** That clears up those questions I have with regards to travel expenses. The other question I have involves materials and supplies, accommodation, motels and associations. There are many of those different motels and accommodations, such as: Accommodation Motel Ontario Association, \$55,000; we have Alan Clark Trophies Limited, \$34,000; Ann Ames Design, \$85,000; Beaver Foods Ltd., \$69,000; Bennett Trophies, \$48,000. Could I have an explanation? Are those for sports events? We are looking at big dollars here and I am curious, and there are people I know who would like to know what they are being spent on.

**Mr. Keenan:** Again, if I may, I do not have the details on some of the specifics. The Accommodation Motel Ontario Association, I would think, is co-op funding with them in connection with an overseas British co-op program that we had. That had to do with selling travel packages in Britain utilizing the motels in Ontario that are part of that organization. The others I do not know for sure. The trophy ones, I suspect, are associated with trophies awarded in connection with the annual sports banquet, in terms of trophies and other awards. If you wish, for the particular ones that I cannot give you specifics on, we would be happy to get them and send them to you.

**Mr. McLean:** I am sure you would be able to get a breakdown on them. The other one for the Four Seasons Hotels Ltd. is for \$152,000. That is not \$52,000; that is \$152,000. That is a lot of money.

**Mr. Keenan:** The Four Seasons Hotel is the settlement of the outstanding issue having to do with the sewage treatment plant at Minaki Lodge. There was an outstanding obligation on the part of the ministry at the time of the sale of



Minaki to the Four Seasons Hotels Ltd. The sewage treatment plant that was in place, which had only recently been installed, was in fact to serve the needs of Minaki Lodge. Subsequently some problems showed up in that, and the majority of that amount is a negotiated settlement to in fact finally, if you will, complete the sale in all respects. We acknowledge certain deficiencies for which there was a financial obligation. As I say, it was a negotiated settlement and for that they then took over completely.

**Mr. McLean:** Okay. McKim Advertising Ltd. \$4 million, and Vickers and Benson Companies Ltd. \$8 million; that is \$12 million. Over what period of time would that be spent?

**Mr. Keenan:** That would have been during the 12-month fiscal year.

**Mr. McLean:** Twelve months. What about Ronalds Printing, \$664,566?

**Mr. Keenan:** That would be, I assume, our publication printing. Mr. Chairman, if I might ask Carol Maxwell, our manager of marketing, to come up. She can, I think, speak to that.

**Ms. Maxwell:** Ronalds Printing bill would have been for the Traveller's Encyclopaedia, of which we print in excess of 800,000 copies.

**Mr. McLean:** Do they go in all the daily papers around the province?

**Ms. Maxwell:** No. That is our main flagship publication that we distribute through our travel information centres, to American Automobile Association clubs and in direct response to inquiries.

**Mr. McLean:** Would the advertising agency not be responsible for sending that out?

**Ms. Maxwell:** No. We have a separate publications company under contract to produce our publications to a finished art stage, and then it is tendered through our purchasing department for the actual printing of all our publications.

**Mr. McLean:** Perhaps you could give me a broad outline of what you spent the \$12 million on to Vickers and Benson and McKim Advertising, briefly.

**Ms. Maxwell:** Yes. We have an advertising campaign that we undertake in our major markets, that we identify in a marketing plan and that we prepare on an annual basis.

Those markets are Ontario, the United States, Quebec and Manitoba. We develop a campaign based on the needs of each market. In Ontario, for example, we use a mix of television, newspaper and radio. In the United States, we use television, Sunday supplement magazines

and also regular national magazines. In Quebec, we use television. We use a mix of advertising.

**1540**

**Mr. McLean:** I have an advertisement here that was in the Globe and Mail. Would the people who advertised in that pay for that, or does the ministry pay for part of that?

**Mr. Keenan:** No, that would be paid for by those who advertised.

**Mr. McLean:** It says "Ontario Incredible" up here, Grey Bruce, the Georgian triangle. Would that be your ad and the rest would be paid for by them?

**Ms. Maxwell:** No, we encourage the industry to use our logo, "Ontario Incredible," in their publications, etc.

**Mr. McLean:** I was curious as to the ones that are on there.

**Ms. Maxwell:** I think that that would be a co-op with Georgian Lakelands Travel Association.

**Mr. McLean:** Thank you. The other question I have is on the R. M. S. Segwun. It has another \$55,000. Did the ministry refurbish that at one time? Does it own that or is it private?

**Mr. Keenan:** It is run by a nonprofit group that operates out of Bracebridge or Gravenhurst. Bob Brock, the director of the tourism development branch, is quite familiar with that. This particular sum of money had to do with a study, as I recall, on which we shared the expenses. Bob, can you shed some additional light on that one please? That is the R. M. S. Segwun, \$55,000 or thereabouts.

**Mr. Brock:** That contribution was to the regional municipality by way of cost-sharing a study, yes, for a marine railway, as I recall, plus some other facilities.

**Mr. Keenan:** There was a problem there with a marine railway, or at least a pull-out drydock that had been removed. There was a question of building a new drydock and as a consequence of the study, I think it was found that they could drydock it in the Port Carling lock for about 10 per cent of the price of trying to build a drydock to pull it out to work on the boat.

**Mr. McLean:** That is fine, thank you.

**Hon. Mr. O'Neil:** In fact, there was quite a considerable saving. As you are likely aware, I had the opportunity this summer to travel on the Segwun. The nonprofit group that runs that has been very instrumental in improving the number of tourists who come to that area and who are taking that tour. Besides being very historical

and preserving that particular ship, we are quite happy about the service that they render to the community.

**Mr. McLean:** I am pleased to see it too, because I have been on it. It is the only one of its kind that I know of, and I am glad that the interest is shown there to make sure that we do keep it for the people of the province.

The contribution to Ontario Place Corp., a financed operation, a \$4,765,700 grant to cover development: What would that be for?

**Hon. Mr. O'Neil:** What was the question again?

**Mr. McLean:** The \$4,765,700 million. It says "a grant to cover development." That is the contribution to Ontario Place Corp. To finance its operations, \$4,765,000; a grant to cover development, \$1.950 million, and a grant for planning review, \$375,000.

**Mr. Keenan:** The \$4 million in that year would have represented the difference between the operating costs for Ontario Place and the revenue at Ontario Place; in essence, the deficit.

The 300-and-some-odd-thousand dollars related to planning studies that were being carried out with respect to the future of Ontario Place, and that planning is still ongoing. I think the other funds that you refer to would be the capital grant that is provided to Ontario Place. It is basically a capital maintenance grant.

**Mr. McLean:** So in total, it gets about \$7 million in a year.

**Mr. Keenan:** The actual in 1987-88, in fact, was just over \$7 million. In the current year, they have \$4.45 million in the estimates.

**Hon. Mr. O'Neil:** Plus we should mention that Ontario Place has taken quite a few moves towards reducing the deficit. We estimate at the present time that that deficit will be reduced from the original figure that we have by approximately \$1.5 million. There are additional moves going on there through the chairman and the board and the staff to reduce that deficit even further.

**Mr. McLean:** I am aware of that.

When you get into the fitness groups and the sports activities, there are a lot of dollars that go into amateur sports, grants to governing bodies. What amount of money will Paul Henderson be responsible for to help to get the 1995 games here?

**Hon. Mr. O'Neil:** Paul Henderson is not actually connected to the 76 sports governing bodies. Paul Henderson heads up the Toronto Ontario Olympic Council, which is a separate organization though, of course, it has backup

support from our ministry in the organization and putting together of some of the bid process. Actually we have made a contribution towards the bid for the 1996 Summer Olympic Games, but Mr. Henderson is not employed by us. He heads up the TOOC organization.

**Mr. McLean:** Then you just fund the TOOC organization with a grant?

**Hon. Mr. O'Neil:** With a grant. Yes.

**Mr. McLean:** What is the amount of that grant?

**Hon. Mr. O'Neil:** Jim, what is the amount? It is broken up over a number of years.

**Mr. Keenan:** It is \$3.1 million over the course of the period through to September 1990. I think this year is \$839,000 or \$879,000, something of that order. I think it should also be pointed out, as the minister indicated in his opening remarks, that is not wining and dining money; it is money for the administration of TOOC for the preparation of the bid books and other permissible expenses which the government would assist with.

**Mr. McLean:** There was a question in the Legislature from our colleague, the member for Brampton South (Mr. Callahan), about the \$493,000 contribution to the Metropolitan Toronto Convention Centre. You also made contributions to the Ottawa Congress Centre of \$399,000. Is there any consideration of selling them, getting out from under them?

**Hon. Mr. O'Neil:** I would just like to say, with regard to Mr. Callahan's question today, that the amount we contributed in the particular instance of the Economic Summit was, I think, \$1.6 million. That particular money went towards renovations that had to be made to host the heads of government from across the world and was also used to pay the rental at the Metropolitan Toronto Convention Centre while they were there. I see both the Toronto Convention Centre and the Ottawa Congress Centre as being two of the top organizations that help to attract tourists to the province.

As far as the Toronto Convention Centre is concerned, it is now operating at a profit. For the Ottawa Congress Centre, I think the deficit for this year will run somewhere around \$400,000, but, just like the Toronto Convention Centre, the Ottawa Congress Centre has seen a great improvement in its occupancy rates and the number of conventions and people it is attracting to the city. As I mentioned in the House today, Mr. Maxwell is here.



When we look at the effects of someplace like the Toronto Convention Centre, the number of conventions it brings in, the number of people who stay at its hotel and hotels throughout the city and the rest of the province, the economic benefits that are generated through purchases in the city, we are talking about hundreds of millions of dollars. Again, without facilities such as this, we just would not be attracting those conventions and we would not have the money coming into the province.

Also, the convention centres are run, not only by a general manager or chief executive officer, but also by a board chairman and a board that works with them to make sure that those convention centres run in the right way. I feel that they have been doing a very successful job and one that I am very proud of.

**Mr. McLean:** How can you say that they are operating at a profit now when it is the 1987-88 estimates we are dealing with here. Toronto has lost \$493,000; that is to cover operations. Are you telling me they are now out of that debt situation?

1550

**Hon. Mr. O'Neil:** Maybe Mr. Maxwell would like to come up.

**Mr. Keenan:** John Maxwell is president of the Metropolitan Toronto Convention Centre.

**Hon. Mr. O'Neil:** He does a very successful job in running the convention centre. Mr. Maxwell, would you like to say a word on that?

**Mr. Maxwell:** I think the \$493,000 was a payment in cleaning up tax situations with L'Hotel, which is a CN Hotels operation. That had been estimated and it was a carryover from the previous year. The centre is operating at a profit and did operate at a profit in that fiscal year.

**Mr. McLean:** Do you know if the Ottawa Congress Centre, the \$399,000 one, is operating at a profit now?

**Hon. Mr. O'Neil:** No, they are not. As I mentioned, their deficit will be approximately \$400,000 this year. They are progressing to the point where the Metropolitan Toronto Convention Centre is now. As I mentioned, their occupancy rates, the number of conventions they are having come in, are rising. Of course, when we look at the city of Ottawa, it is becoming a very important tourist destination not only for people in the province and the rest of Canada, but also for the rest of the world. We see that centre coming to the point where the Toronto conven-

tion centre is, where it will actually be generating profits for the Ontario government.

**Mr. McLean:** On July 8, 1986, the government announced its intention to relocate the Ontario Lottery Corp. operation to Sault Ste. Marie. What I gather is that the costs associated with the move are anticipated to be in the amount of \$20 million. The corporation has commitments to office space in Toronto, the leases of which do not expire until June 1995. The total commitment there is \$3 million. Could you tell the taxpayers of the province how the \$20 million is spent wisely?

**Hon. Mr. O'Neil:** Mr. Stothers, would you like to answer that?

**Mr. McLean:** If I were not asking these questions, these people would not have a chance to say anything.

**Hon. Mr. O'Neil:** We like to know they are going to have to work when they come here.

**Mr. Stothers:** The \$20 million, to start with, is just a guess. It is a very rough estimate at this point because we are still three years away from making that move. As far as the leased space we have in Toronto right now is concerned, it is true that it goes through, I think, until 1995, but we have a very favourable lease on that. I would think we would have no trouble subleasing it when we get around to it. I do not anticipate a problem with our Toronto space. As to the \$20 million to move up there, we just do not have a firm estimate on that yet.

**Hon. Mr. O'Neil:** I think too that it has been a commitment and is a commitment of this government that we want to see jobs and development provided in the north. Although we cannot put a set figure on what it will cost to do that move, I think, as you have noticed, there have been several divisions of the government and agencies that have been moved to some of the northern cities and communities.

The north seems very happy with the commitment that has been made and the jobs that will be created, not only for the people who will be going to work at these places such as the Ontario Lottery Corp., but also for the construction and other jobs it will help to generate within the economy.

**Mr. McLean:** What do you anticipate will be the cost now?

**Mr. Stothers:** The \$20-million figure is a preliminary figure. We have not got down to refining it yet.

**Mr. McLean:** You may be here until 1995 and that \$3 million will not be lost on the rental accommodation?

**Mr. Stothers:** I do not think the \$3 million will be lost on the rental accommodation. I do not think we will have any trouble subleasing at the rates we have. I am not concerned about that. But as to the \$20 million, we have to get a little further down the road before we can be much more specific for you.

**Mr. McLean:** Regarding the objectives set out by your ministry in 1987, your "spring and summer television campaign indicated that over 25 per cent of the markets were both over-achieved and overspent by more than 10 per cent." How does the minister justify that?

**Hon. Mr. O'Neil:** That criticism has been levelled by the Provincial Auditor. I had the staff look at it when we received that from the Provincial Auditor. The television medium is purchased to achieve a predetermined number of gross rating points and these are a measure of reach and frequency of messages to a specific target audience.

In reviewing the 1987 spring and summer television campaign for Ontario, the auditor said it was his feeling that half the markets were overachieved by more than 10 per cent. We are going to be looking at that very carefully. We feel it is one of the recommendations we will certainly act on to see that does not happen at all. We will be dealing with the Advertising Review Board, which would deal with such matters, to make sure that does not happen. It is a good criticism and it will be acted on.

**Mr. McLean:** Your staff have prepared their answers very quickly, after receiving this audit report.

**Hon. Mr. O'Neil:** We thought you might have a question prepared too.

**Mr. McLean:** On the other one, on the estimated cost and invoiced cost—you probably know what I am talking about—with regard to the assembly, typesetting and photography, there is assembly, estimated cost \$1,300 and invoiced cost \$7,600; typesetting, estimate \$4,800 and actual cost invoiced \$7,800; photography, \$1,470 and invoiced cost \$8,200.

How can that happen? Who is responsible for these invoices that come in, to make sure they are in line with what the estimated cost was?

**Hon. Mr. O'Neil:** Again, the auditor went through all these things. It is our feeling there certainly has to be a tightening up on those. In fact, this was pointed out to the agency prior to that, and I can tell you that the creative agency has purchased and already installed a new

computerized system built around what we call an Adtraq software system.

This system will match up estimates with the invoices from the category. I am told by staff that this particular system can track actual costs against the estimates, thereby enabling a review at any time to flag and investigate variances prior to any invoices being paid. We are asking that any of these invoices that come in be a lot more detailed so that we can check such things as to what has happened.

**Mr. McLean:** I am glad to see you are trying to rectify the situation because there has to be accountability.

I want to go back to one of the original questions I had in my opening statement.

**Hon. Mr. O'Neil:** I have quite a few answers to the questions in Mr. McLean's statement, so if you will permit me, I will go ahead with my statement.

**Mr. McLean:** Yes.

**Hon. Mr. O'Neil:** Prior to doing that, Mr. Farnan asked that we read into the record the people who took part in this year's Olympic games in both Calgary and Korea. I will give this to the clerk and we will pass out the names of all the Ontario athletes who were involved in both of these Olympic games. We will pass these out to the members here and also have them, not read into the record but as part of the record.

I wish to respond to the questions the opposition critics raised last week, but first I would like to commend this panel. I appreciate your constructive approach and I am happy to work with men and women who take such an active interest in tourism and recreation in the province. However, many questions were asked and I have a lot of ground to cover this afternoon, if you would please bear with me.

## 1600

The first thing I want to make clear is this government's strong commitment to tourism and recreation in Ontario. The member for Simcoe East (Mr. McCague) expressed concerns about this last week, but I would like you to examine the following facts.

Under the previous government, total spending reached \$95 million for this ministry in the 1982-83 fiscal year and \$120 million in 1983-84. In 1984-85, spending reached \$186 million and that included a one-time contribution of \$30 million to the Toronto SkyDome and \$24 million in capital construction costs towards the Metropolitan Toronto Convention Centre and the Ottawa Congress Centre. If you exclude these



payments, regular program spending was \$132 million that year.

Under this government, total spending jumped to \$160 million in 1985-86, to \$172 million in 1986-87, to \$180 million in 1987-88, and the 1988-89 estimates provide \$191.5 million. And let's not forget that other ministries also provide funding for recreation and tourism programs. You can see that those funds have increased substantially over the last number of years and especially over the last three years.

Just this year, in the member's own riding of Simcoe East, this ministry has been very proactive. We provided a \$98,000 grant for the renovation of the Oro Community Centre.

**Mr. McLean:** I lost an election over that in 1964.

**Hon. Mr. O'Neil:** I am glad we were able to help out.

Similarly, we provided \$796,000 to the city of Cambridge for the Hespeler Arena replacement project.

Building on our strengths, and giving our partners the tools they need to help themselves, is the approach we have embraced throughout the province. The reason we have been successful is because of the support we have cultivated from our partners in cabinet, the private sector, municipalities and community groups. Here are some examples.

My colleague the Minister of Transportation (Mr. Fulton) is a strong supporter of the tourism industry in cabinet. He appreciates the importance of good travel routes. His ministry has allocated additional funds to our road system and I believe our roads compare very well with those in other markets with which we compete for tourists.

I know there were comments made by Mr. Farnan on this particular area. Even with the money that has been spent, we continue to look for additional funding for the upgrading of roads throughout the province because they are very important to the tourism industry in the province.

His ministry has also approved a new highway signing policy that will expand and improve current signage and relax the criteria involved in tourism signing. Attractions can now be signed from up to 30 kilometres in some cases.

My friend the member for Cambridge has suggested the need for tourism representation on the Premier's Council. I can assure you we are always looking for opportunities to promote the interest of tourism.

I should note that one of our private sector partners has been named to the provincial

government's Ontario Round Table on Environment and Economy. David Sutton, president of Kashabowie Outpost Ltd., will represent the industry's interests on that important council.

Partnerships are also effective at the local level. For instance, tourism project developers often face a number of regulations involving various ministries. That is why we intend to form a committee that will co-ordinate the efforts of ministries involved to help projects get off the ground as soon as possible.

In fact, our ministry and the Ministry of the Environment and the Ministry of Municipal Affairs recently adopted this co-ordinated approach with a major project in Haliburton. The important thing is to respond to new ideas. For example, the tourism signing committee was entertaining a request to designate Highway 93 as a heritage highway, but the people who made the request withdrew it.

Another idea is the use of abandoned rail lines, which Mr. Farnan mentioned. We have helped municipalities study their use and we have been working with communities to help municipalities and interest groups take over certain lines.

Unfortunately, we simply do not have the resources to buy railway rights of way or to develop and operate trail systems. We are participating in a special committee that is looking at this whole situation. Eleven ministries sit on this committee which held its first meeting less than two weeks ago. Again, I feel it is because of the request we have had not only from opposition members, but from our own members to look into this particular recreational use.

I am prepared to discuss this further with the member, to learn how he thinks this issue might be solved at reasonable cost to the province.

Partnerships also mean facing challenges together. For example, we all agree that Lester B. Pearson International Airport requires major improvements and that tourists need better and more courteous handling through customs and immigration. I believe this is one area where a unified approach can achieve results. My colleagues in other provinces agree with me, and my staff and I continue to voice our concerns to the responsible federal officials.

Now I would like to focus on tourism development. My opposition colleagues have expressed some concern in the area and I would like to set the record straight. Let me first point out that the tourism strategy, including a five-year business plan, will be available early in the New Year.

With respect to the member's question on the tourism redevelopment incentive program or TRIP, let me say that funds were not cut back. TRIP moneys remain the same as last year. However, this year the amount was not sufficient to service all the applications received, and there were a lot of them. It was very popular.

There is no question that TRIP has done much to help operators and developers secure financing. Our assistance has also encouraged lending institutions to finance projects. Many projects would not have gone ahead without TRIP, and for these reasons we are proceeding with a proposal to extend this program before it expires this year.

My ministry will continue to support new tourism-related capital construction and renovations using a number of vehicles, such as the tourism term loan program and the Destinations East and Destinations North programs.

I should mention, regarding the TRIP program—as I say, with the large demand we had for that funding, we were just not able to handle all the applications we had. I should also mention that when TRIP was initiated quite a number of years ago by Mr. McLean's government, it was badly needed and has become very popular. But at the time TRIP was introduced, the government also introduced the interest subsidy when interest rates were very high, even in the 18 to 20 per cent range. TRIP actually sunsets at the end of this year, and our staff is looking at new ways in which the TRIP type of thing can best be handled with the money that is available to do the job it is prepared to do during present economic times.

We are also proposing a program to assist small-town waterfront developments. Finally, we will negotiate with our federal partners to establish another subsidiary agreement for tourism development.

Let me also set the record straight about the Lagoon City application for funding. It was not turned down by cabinet. The Inducon Development Corp. submitted an application under the Canada-Ontario tourism development agreement for funding Lagoon City, a residential and retirement community on Lake Simcoe.

During the review process, officials of both the federal and provincial governments became concerned over the possibility that a publicly funded commercial hotel could later be converted into individually owned condominium suites. The applicants chose to revise their proposal and neither government has since been approached with a revised application from that company.

In response to the member's question on Great Lakes summer cruises, my officials will meet on December 13 with Quebec and federal government officials and representatives of the private sector to discuss this sort of study. The possibility of US participation will also be discussed at that time.

On the proposed tourism advisory board, I believe there are already a sufficient number of organizations that represent the interests of tourism, including Tourism Ontario, of which all major tourism trade associations in Ontario are members. I value the advice I receive from these organizations. I know also that the member for Simcoe East appreciates the advice from Tourism Ontario and Mr. Michener on many of these different projects and questions.

**Mr. McLean:** Who is he?

**Hon. Mr. O'Neil:** Have you never met him before?

**Mr. McLean:** In this committee? Who is he with?

**Hon. Mr. O'Neil:** Tourism Ontario.

We also have 12 regional travel associations, local tourist councils and regional development councils in the north, to name a few.

#### 1610

One of the most important challenges the industry faces is the need for skilled labour. Again, partnerships will help us meet this challenge. Forecasts predict a 24 per cent growth in accommodation and food industry employment in Ontario by the year 1992. In response, this ministry is participating in a joint government, business and labour study of personnel and training requirements, which will help guide our planning for the future.

The industry itself will have to adjust and some firms have already started to devote more resources to employee training. The industry is also hiring middle-aged and retired workers, the physically challenged and other nontraditional employees, even providing day care and transportation services to some of their employees.

The need to reassess employee training is a priority at our ministry. We plan to establish a committee joining all concerned ministries, including the Ministry of Skills Development, the Ministry of Education, the Ministry of Colleges and Universities, the Ministry of Labour and the Ministry of Industry, Trade and Technology to complete a review of community college hospitality training programs. The committee will also discuss career awareness programs for public and high schools.



The industry will also have to adjust to the impact of first-contract-arbitration legislation. Management will have to learn to work closely with representatives of the workforce to make the industry attractive to potential employees. This is particularly important in light of the labour shortage experienced by the industry.

Ontario's new Pay Equity Act came into effect on January 1, 1988. It stipulates that work of equal value be compensated equally and, of course, the tourism industry will be affected, although there is a six-year phase-in period for the private sector and an exemption for businesses with fewer than 10 employees.

The Pay Equity Commission of Ontario is taking a special look at the tourism industry and will focus on how jobs compare and the impact of gratuities on wages. We will work closely with the commission and the industry to make sure this legislation strengthens the industry's image as a progressive one. In the true sense of partnership, this ministry embraces its role as advocate for the tourism industry.

Clearly, it is in Ontario's best interest to encourage the continued growth of our tourism industry by giving municipalities the opportunity to allow Sunday and holiday shopping. It is clear, however, that the current legislation is not workable. The tourism exemption has been inconsistently applied and municipalities have been forced to justify openings that their constituents want. Municipalities should be allowed to make the decision concerning this matter.

In recognition of the role tourism plays in the economy, the government kept the accommodation tax at five per cent. Our information indicates that the sales tax referred to last week by the member for Simcoe East has had no appreciable reduction on tourism business and spending.

Visitors to Ontario can and do apply for rebates of the provincial sales tax on a wide range of items, which we anticipate will be worth over \$12 million in the fiscal year 1988-89. Those rebates will likely be asked for in that particular range.

Members of this committee also had questions with respect to our marketing activities. Let me first say I agree that travel in Ontario must be attractive and affordable for our own residents. We have been very successful in this area. Our figures show that of the 127 million person-trips in Ontario last year, 97 million were by Ontario residents. Family outdoor touring is the backbone of our domestic market.

The decision regarding the winter insert referred to by my colleague the member for Cambridge, illustrates that this ministry welcomes and listens to the industry's views. Over the past two years client groups expressed a variety of opinions about the timing, content and value of the insert. We concluded that it could not be all things to all people and that various winter vacation options needed different approaches.

As a direct result of an industry request for other kinds of advertising, we are introducing a radio campaign for our winter promotions. It will feature specific messages about skiing, getaway vacations and special promotions such as "Toronto Doubles Your Pleasure."

To improve travel centres at border crossings, we opened a new centre in Windsor this year and are building others at Hill Island and Lancaster. Major upgradings are also planned in Cornwall, Sarnia, Kenora and at the Windsor tunnel. The centres will be of a uniform visual design, be accessible to physically challenged travellers and have 24-hour washroom facilities.

Roadside amenities are also being improved through the northern Ontario travel information centres enhancement program, or NOTICE for short. Eleven new centres have been approved and an additional 23 are already under construction across northern Ontario. Some 45 highway rest and picnic stops have been approved for construction and work on almost 30 began earlier this spring.

Again, this initiative is an interministerial effort, involving our ministry and the ministries of Northern Development and Mines, Transportation, Government Services and Natural Resources. Our advertising and marketing efforts cover the whole province, with emphasis on the special and unique features of each region.

We are doing a great deal to attract tourists to the north. Our government allocated \$1 million annually, beginning in fiscal year 1986-87, to market northern Ontario in southern Ontario and US border states. Our marketing of the north continues in public relations at sport shows, which are directed to Ontario operators attending sports shows in the United States, and to the media to increase editorial coverage.

The deputy points out that where I said "11 new centres have been approved and an additional 23 are already," rather than "under construction," they are under consideration.

**Mr. McLean:** I recognized that, but I thought you would probably say later they would be under construction very shortly.

**Hon. Mr. O'Neil:** We will work on that. That is why deputies are here, to keep their ministers out of trouble.

In the US, we identified a number of what we call investment markets, including Los Angeles, Boston, New York City and Washington, DC. We continue to target US special interest markets that match our product strengths.

An ongoing effort is to enhance Ontario's presence overseas. We emphasize travel trade development, public relations activities and co-op marketing opportunities. We have joint marketing arrangements with Quebec and the federal government for promotions in the United Kingdom and Japan.

New markets, particularly Pacific Rim countries such as South Korea, are at the introductory stage. We are lobbying Tourism Canada to take the lead because of the current low awareness of our country in these areas. Our ministry is very encouraged by the support of the private sector in the investment and primary overseas markets. Our travel trade sales missions to Boston in October this year and last year, and in California in early 1988, were very successful. We will repeat these missions in 1989, with increased private sector participation. Our partners from the private sector also took part in the 1987 and 1988 missions to Japan. We are currently planning a mission to Europe next year.

Two of the biggest challenges we face in marketing are the escalating costs of buying media and the increasing competition from other destinations. Ontario has what it takes, we feel, to compete as a first-class destination and our presence in markets such as the US will stay strong. At the same time, we will get the most for our advertising dollar. A number of our media purchases have been combined with those of Tourism Canada, so we can benefit from frequency discounts. We continually investigate new ways to advertise, through direct marketing, co-operative ventures and better use of existing marketing programs, to maximize our efforts.

However, sometimes the tried-and-true method is the best. We are finding that increasing numbers of travel telephone inquiries are converting to sales. Our extensive sales and customer service training program is having excellent results. Consumers gave us high ratings on our publications and our travel information centres.

Each year, we improve the technology in our telemarketing unit. We are introducing a new system to give customers access to recorded information such as ski reports and thus free up lines for other customers.

We are looking at all types of touring experiences to promote. We will look at suggestions to use GO Transit for fall colour excursions and winter ski trains during off-weekends. However, we encourage the private sector to take the lead on these types of initiatives, something like the ad which you just showed us, where the private sector has gone together to do its own promotion.

We held discussions with the Ontario Northland Transportation Commission recently about packaging summer and winter rail excursions. We have offered co-operative marketing dollars next year towards specific travel trade and package tour development initiatives.

**1620**

With respect to the honourable member's question on our marketing expenditures in Toronto, let me say that it is difficult to give an exact figure, because Toronto is not an isolated element in our marketing budget. Here are some examples of how Toronto is featured in our overall marketing strategy. In Ontario and border states, we highlight Toronto as the hub of a touring vacation, including areas such as Niagara Falls and central Ontario. We also use Toronto as a draw for the whole province, including Ottawa and the national capital region, which feature an exciting mix of attractions from the new National Gallery to the famous Winterlude Festival.

Similarly, all of us at the ministry congratulate the federal government on its tourism marketing.

**Mr. McLean:** Better underline that. That is the first I have heard of that.

**Hon. Mr. O'Neil:** We do work very co-operatively on a lot of different projects with the federal government and I must say we have its co-operation on that. Also, we are doing quite a bit of joint work with the province of Quebec.

Let me assure you, however, that this government's commitment is just as solid. Our "Ontario-Incredible!" campaign continues to generate successful results.

We extended our use of Sunday supplements, which provided more markets and higher readership.

As part of our effort to make Ontario the hospitality province, our tourism awareness and hospitality training program already boasts 7,000 graduates across this province. Some 280 businesses have already trained at least 50 per cent of their staff.

We are very supportive of National Tourism Week and we applaud the Tourism Industry Association of Canada for this fine initiative.



We have significantly increased our commitment to research since 1986. To date, some 20 surveys are under way, have been completed or are ongoing.

Our commitment to client consultation has been strengthened. In October of this year at our marketing summit in Toronto, some 250 industry leaders heard from experts on topics such as positioning and direct marketing.

We also scored important successes in public relations. We hosted important media luncheons in both New York City and Washington DC earlier this year.

One of our most spectacular public relations efforts took place during the Toronto Economic Summit. We handled some 2,500 media requests for information and visits to Ontario attractions. The coverage we were given was tremendous. From the Japanese media alone, we generated coverage worth \$2.7 million.

Our recreation program has also helped score spectacular results for Ontario.

My honourable colleague asked about Elizabeth Manley, but let's not forget Brian Orser, Canada's other silver medal skater at Calgary. We do not provide any funds to nationally carded athletes of their calibre. We do support provincially carded athletes. However, I am proud to say they both received support from our elite athlete assistance program, a forerunner of my ministry's Best Ever program, before they became members of the Sport Canada national carding system.

So far, Best Ever has assisted over 500 gold and silver carded athletes who received an average of \$1,200 a year, depending on circumstances, needs and level of competition.

Our support is also important at the community level. For example, the Mariposa School of Skating received \$10,000 a year between 1985 and 1988 as an Ontario regional sports training centre. For 1988-89, the school has graduated to national status and is now being funded by Sport Canada.

What could be more spectacular than hosting the 1996 summer Olympics right here in Ontario? In response to my colleague in the opposition, let me first say that the relationship between the Toronto Ontario Olympic Council and the government is governed by a signed agreement. Costs are identified under allowable and nonallowable categories. A cost such as wining and dining, as the deputy mentioned, is a nonallowable cost and will not be subsidized by the government.

The allowable costs for the administration department, which will be supported by the government of Ontario, are budgeted at \$369,533. Our total contribution will be approximately \$3.1 million, which includes not only administrative costs but also costs associated with protocol, venues and operations. It is clearly understood that the government will not be financially responsible for any deficit associated with the bid for the 1996 Olympic games.

At this point, I wish to respond to a number of questions relating to our agencies, the first one dealing with Ontario Place. It has just completed its 1988-89 summer season. Patti Starr just stepped out of the room the other day, and I would like to introduce Patti, who is with us in the audience today.

I am happy to report, after the 1988-89 summer season, under a new board of directors and management team, it has reduced its operating deficit by approximately \$1.5 million, as I mentioned previously. To achieve this, Ontario Place launched a number of reforms, including a new fee structure which is more in line with other agencies within the province.

The St. Lawrence Parks Commission, for example, initiated a half-price weekend camping fee for seniors. This is roughly equivalent to the fees charged for seniors at the St. Clair Parkway Commission and the provincial parks. Fees for seniors at other attractions increased slightly to maintain a level of approximately half of the regular adult fees.

After consulting with concerned parties, Ontario Place set seniors' fees at half the price of adult admissions. That was at \$3 this year rather than \$6. In addition, seniors were admitted free on Wednesdays, and I am pleased to note that seniors' attendance at Ontario Place rose by approximately 2,000 to 68,116 in 1988.

I should also mention on the subject of seniors, I know the board is very actively involved in looking at the programming we have had for seniors. They are looking at making some changes there and are fully discussing this with the seniors in the province.

One of the reasons that Ontario Place has become so popular is that it showcases a wide range of Canadian talent in the Forum. Of the 212 performances given last summer, nearly 80 per cent were by Canadians. Ontario Place continues to pursue up-and-coming and established Canadian talent.

Ontario Place also constantly seeks to improve access to the site by public transit. This year, a special Toronto Transit Commission bus service

was implemented from the Dundas Street bus terminal to Ontario Place with stops at major downtown hotels, Union Station, the CN Tower and Harbourfront. Discussions are under way to further improve this service for the 1989 season. An extension of the Queen's Quay light rapid transit system to Ontario Place is also being pursued.

Ontario Place has become what we feel is a world-renowned tourist attraction, with 2.2 million visitors projected for 1988-89. It offers affordable family entertainment at prices far below those charged by comparable privately owned parks. At this critical time in the development of Toronto's waterfront, and especially in the light of the city's pursuit of the 1996 Olympic games, these valuable assets should not be turned over to the private sector.

This government's commitment is to ensure that Ontario Place is an exciting, accessible and affordable attraction for all people in our society and our visitors. It was never intended to be, nor should it be, a playground only for some people.

Another crown agency which is doing a terrific job attracting tourist dollars is the Metro Toronto Convention Centre. A 1986 Laventhol and Horwath economic impact study concluded the centre would generate a direct and indirect economic impact of more than \$650 million between September 1984 and December 1991. These results have been confirmed by the centre's actual experience in 1985-86, 1986-87 and 1987-88. In those years, the centre's total direct and indirect economic impact was \$268 million, which generated taxes of \$85.8 million.

With these kinds of revenues, it should come as no surprise that the Metro Toronto Convention Centre is now financially self-sufficient, as we mentioned earlier. Because the Metro Toronto Convention Centre is able to attract so many national and international conventions and is so important to the Ontario and Toronto tourism industry, this government decided it was appropriate for the centre to be operated by the Ministry of Tourism and Recreation as a crown agency.

Finally, you are all aware of the bill introduced by the Honourable Robert Nixon this spring that would pool lottery proceeds and use part of the funds for the operation of hospitals. We talked about that earlier this morning.

#### 1630

This bill continues the use of some lottery profits to fund areas which maintain quality of life and well-being, such as recreation, fitness and culture. Moneys will also continue to go to

the Ontario Trillium Foundation to fund approved projects of nonprofit social service organizations throughout Ontario.

In the long run, the use of lottery profits in these areas will lead to a healthier population, which will ease the rising cost of health care.

Thank you for the opportunity to respond to these questions that were raised by the two members previously.

**Mr. Chairman:** Thank you. At this point in the proceedings, we have to take a moment to clarify how we are going to proceed from this point on. The chair needs some direction as to the wishes of the committee. There are two routes we may go. We have five votes, as I indicated at the beginning, with several items under each. We could decide at this point to allocate a time to each of the votes and talk on them individually or we could proceed by discussing all of the items under vote 3601.

By the standing orders, I am required to call all of the votes at the end of eight hours, which the clerk will advise me of at approximately 71 minutes into next Thursday, assuming we adjourn promptly at six tonight. My preference, as chairman, is to leave it wide open and do all the discussion under vote 3601 so that we do not have to direct our deliberations so specifically. That leaves some latitude for the questions.

We are in the rotation at this point though, so the critic of the official opposition gets the first question, then the third party, and then the government side gets the follow-up question. We will go in rotation. What I find helps, and indeed what I prefer, in this situation, where the question often needs supplementaries, is that once questioning is under way that there should be a dialogue between the questioner and the minister, or his representative from the ministry, until it is exhausted.

I found it also helpful to allow supplementaries from other individuals on the committee so we do not come back to the same question a second time. If we get into something like hockey violence, we should pursue it and finish it before we leave it. If you change direction completely, I will rule you out of order, as you really are not supposed to ask two questions. I allowed Mr. McLean this opportunity today because last Thursday he was part way through his presentation; he obviously would have asked the seven or eight questions and they would have been answered in the response which the minister has just completed, if he had had an opportunity to ask them last day.



I will recognize Mr. Farnan unless there are any objections to how I propose to proceed.

**Mr. Callahan:** Well, I wonder if my gracious colleague would allow us to start at this side since they both had exhaustive questions.

**Mr. Chairman:** I think the graciousness you are asking of your colleagues is not really allowed by the standing orders. I think we really should go in rotation.

**Mr. Callahan:** If it has unanimous consent, you can do it by unanimous consent.

**Mr. Chairman:** You can do anything you wish as a committee, but I really think we should go into the rotation and do it the way the standing order stands.

**Mr. Farnan:** I want to confirm that the chairman is going to follow that procedure suggested by my dear colleague from Brampton South (Mr. Callahan).

**Mr. Chairman:** We need unanimous consent.

**Mr. McLean:** I think we have got to be very clear here. I have been around a little while and so has the minister. Doing estimates is usually opposition time. It gives them the greatest opportunity; however, there are government members who do like to ask a variety of questions that they would like to get on the record too. I understand that. I would think that today, with these things fresh on our minds, I would like to pursue a couple of questions as soon as possible.

**Mr. Chairman:** So we do not have unanimous consent?

**Mr. McLean:** I would take the chairman's suggestion and we start with the official opposition.

**Mr. Farnan:** This is my first time through this, so I am not sure of the procedure. The answers that the minister gave to some of our questions—are we allowed to dialogue with the minister on those issues or have we moved on to—

**Mr. Chairman:** You pose a question related to one of them at a time and you can dialogue on that one question. Hopefully we will keep them all short and go through the rotation enough so that everybody will get a chance to ask their questions. You can ask supplementaries if it is an area that is related.

**Mr. Farnan:** I want to thank the minister for responding to the various issues that I raised and want to direct the minister's attention to the area of abandoned rail lines. I think in my statement I specifically said that because the issue involved many municipalities, there was a danger of our

losing a very valuable recreational attraction for the use of our citizens and for tourism.

In your response, Mr. Minister, you mentioned that we have helped municipalities to study their use and we have been working with municipalities to help them and interest groups to take over certain lines. I am still fearful that the various things you have mentioned here do not go far enough in guarantees. I think what I am looking for from the ministry and from you is: Can you guarantee to communities like Cambridge and adjoining communities, such as the Eramosa subdivision, through which the rail line and other particular lines that are of real significance extend, that they will not end up with fragmented pieces of the line being saved? Basically, fragmented pieces of the lines will be saved without your assistance. That is the reality.

The things you suggested do not go to the stage where we say, "Well, we want to save the whole line because it has so much more value if it is a continuous recreational facility." I am glad that you are meeting with 11 ministries and sitting on a committee to discuss it, but is there a commitment on the part of this minister, this ministry and this committee that those lines will indeed be safe? If that commitment is not there, we are going to see the erosion, the breaking up of a tremendous opportunity. As I said to you in my question, we are looking to you for leadership on this one.

**Hon. Mr. O'Neil:** I guess I see it also as a great resource. In my comments, one of the things I mentioned was that when you look at these lines you have to not only look at the purchase of the lines, but also at their maintenance. You have not only the trails themselves or the abandoned lines, but also you have the fencing that has to be looked at, the culverts, the bridges and the highway crossings. You are looking at a really expensive operation. A lot of it could be.

I will give you an example of where I come from in the Belleville-Trenton area. The county of Hastings came to us for funding to do a study on the abandoned rail line to see what could and what had to be done with it. We supplied money in this particular case and not only there, but also, in some other instances, to different municipalities and groups that wanted to do a study on these abandoned railway lines. We have also looked at people who were looking at the idea of the maintenance of them.

The whole area is under review. There are a lot of ramifications that have to be dealt with. It is my own personal feeling that I would like to see

in some of the municipalities—even where you mentioned that you have no municipalities that might be involved in a particular abandoned rail line—some sort of co-ordination, working together to see what can be done, what sort of plans could be done by the municipalities. Then, knowing the importance of them, we have put together this committee of the ministries to see just how the whole matter is going to be handled.

**1640**

There is not only interest within the community, there is also interest within the government just to see that something is going to be done.

You asked about giving a commitment. I cannot give a commitment at this time because, as I say, there are a lot of things that have to be considered. Do we ask the province to pay for the total cost of the acquisition, the maintenance and everything that has to be done? Do we ask the municipalities to do that? Do we ask for sharing? Actually, we are looking at all these different things to try to come up with some answers.

**Mr. Farnan:** Just in terms of cost, a lot of the things that you suggest are costs that would be incurred anyway. If you are talking about bridges, the Ministry of Transportation or whatever has obligations, etc.

The concept of providing a climate for co-operation among municipalities is fine, but where you have a holdout of one municipality that breaks the continuity of the route, there is a need for a strong provincial position on the issue. I suggest to you that, as you have responded to me, you have only given one side of the ledger sheet. You have simply talked of the cost, and I think what we are talking about here is a tourism potential for generating funds. There is no doubt there will be costs associated, but where else can we possibly envisage having trails that will go through urban centres, through suburban and farm land and be continuous, where there will be a total variety of environments at a cost that it is available in this particular circumstance?

I do not think the cost will ever again be as low for such a project. With the abandonment of the lines and their acquisition by adjoining property owners, these wonderful recreational possibilities are lost. I do not think we are talking long term now. I think without action in the short term, they will be lost.

My recommendation to you and to the committee is that there is a need to give a message to the municipalities that indeed there will be very significant provincial funding. Indeed, I ask the ministry to strike a formula that is concrete and on the table so that the

municipalities and the interest groups can look at it. I think the minister also knows that the interest groups are prepared to provide a great deal of the maintenance of the routes.

How can they tackle this project without some kind of funding formula? How can the municipalities even contemplate the idea unless the provincial government shows leadership and says, "This is what we are prepared to put in. This is what it would cost you. Now we have something that we can make a deal with and we can make it happen." If the province does not come up with a funding formula that is encouraging to the variety of municipalities that make up the entire length of the abandoned track, then I think you are giving the project the kiss of death.

It may very well be that you say, "Well, we will study it, we will talk about it and we will consult," but in reality, without these funding formulas, it is the kiss of death.

**Hon. Mr. O'Neil:** Again, there are just so many variables on it. As I say, this is one of the reasons we have the 11 ministries looking at it.

There are other opinions that come too. There are some people who do not think that there should be recreation trails. There are people who own properties adjacent to them who have expressed concerns that if there are skidoos, or whatever, using these trails it will interfere with the privacy of their own property. So you have that on the other hand.

As I say, other people have suggested that conservation authorities might be involved in the trails. All of these things are being looked at but I can tell you it is not a simple matter. You can say, "Let's buy them," or "You fund them," or "You give a formula for them," but there are some of them that could be very expensive either for the province or for the municipalities or for the groups that might be interested in running them.

**Mr. Farnan:** Let me leave you with one parting shot. Can you give a guarantee that you will present to the municipalities a funding formula for a co-operative project between the province and municipalities to save this recreational facility for the future? Can you give us a guarantee that, within the short term, you and your ministry and this interministerial committee will come up with a funding formula that you will present to the municipalities and the interest groups?

**Hon. Mr. O'Neil:** I have learned that in government you never give a guarantee for anything. But I can tell you that the committee we have set up is looking at it. We know of the interest that you and other members have



expressed in these routes, and it is being looked at very carefully and closely, as to how this thing can be set up, how the financing can be looked at, and the co-operation can be worked out.

**Mr. Farnan:** When you have the Olympics at Cambridge, we would like to have all the tourists from around the world participate in this facility. We hope you are successful with this interministerial committee.

**Mr. Chairman:** Before I recognize Mr. Faubert for a supplementary to this question, I have been asked by the deputy minister, Mr. Keenan, to mention one more time that all of the agencies are here today. Unless there is a specific need for them to be here next day, the ministry would prefer not to have them here. So if you have agency questions, it would be preferable to ask them today. If you need any of the agencies next day, we would appreciate some advice as to that before you leave or before next day, through the minister.

**Mr. McLean:** You are being very unkind to me. I had about five or six more questions when the minister made his statement and those five or six questions would probably satisfy me. If those questions were answered it is probable that none of the members of your ministry who are here would have to come back again. So if you will rule to let me continue to ask those six questions, I would be finished with them today.

**Mr. Chairman:** I have no objection to that but I will recognize a supplementary first as long as the rest of the crew will allow you to do this. We will sort that out after the supplementary.

**Mr. Faubert:** It will be a very quick one.

I am a little perplexed as to where all this sort of very inexpensive land is coming from because it is not a fact that when a railway disposes of its land, it disposes of it at the value of the adjacent land and, where it is open space or unzoned land, it disposes of it at the value of the highest and best use of that land? Therefore someone is asking that land be purchased along these abandoned rail rights of way at market value and that indeed is not cheap land. If someone wants the experience, he can find it in Scarborough where we set up hiking and cycling trails and we paid market value for every inch of that land. Is that not an expensive proposal?

**Hon. Mr. O'Neil:** Again, I guess it depends on where the land is located and, as you say, whether it is within the city or whether it is in the country. I have seen cases, and I use an example down in the Hastings county area, where we have looked at land and some of the land further north,

which is not good even for agriculture and is not worth as much as the land in the city where you are talking about. There certainly is quite a variance on the value that is put on land.

Again, you could possibly have this conflict between the people, the adjacent property owners, who want to buy the land and do not want it to go into trails. These are all things that have to be considered by this committee we have set up to look at it. Yes, there is quite a variance in it.

**1650**

**Mr. Chairman:** I have just conferred with the two critics. Apparently, Mr. McLean will be allowed to put his five or six quick questions, but Mr. Farnan demands his pound of flesh.

**Mr. Farnan:** We will collect later.

**Mr. McLean:** I want to find out over the past four years—1985, 1986, 1987 and 1988—the amount of money in the tourism redevelopment incentive program for each one of those years.

**Hon. Mr. O'Neil:** I can get those figures for you. I do not have the exact figures here. Mr. Brock, do you have those? We will ask Bob Brock to come up to the table.

**Hon. Mr. O'Neil:** What was the first year, Mr. McLean?

**Mr. McLean:** It was 1985, 1986, 1987 and 1988.

**Mr. Brock:** In 1984-85, the face value of the guarantee—I assume you are referring to—

**Mr. McLean:** The amount of money the government loaned out each year.

**Mr. Brock:** The guarantee. In 1984-85, I have 71 loans for a total of \$4,868,700.

**Mr. Keenan:** You are one line too low. It is the one above that, 76 for 1984-85, if I read this correctly.

**Mr. McLean:** Is that \$76 million?

**Mr. Keenan:** No, 76 loans for \$25,744,000.

**Hon. Mr. O'Neil:** That is for 1984-85.

**Mr. Brock:** Sorry; deputy, would you repeat your number?

**Mr. Keenan:** I have 76 loans, which amounted to \$25,744,104. That was the total amount of the loans guaranteed.

**Mr. Brock:** I am simply looking at the wrong program. I was looking at tourism term loan programs. Forgive me.

In 1984-85, it was 76 loans, \$25,744,000. That is why that low figure was just not making sense to me when I said \$4 million. For the following year, 1985-86, it was \$27,831,800;

for 1986-87, \$20,880,000; for 1987-88, \$26,127,300; and of course for 1988-89, up to this point in time, we have \$3,500,000; that is through September, not November.

**Mr. McLean:** Are you sure that is right? In 1987-88, you had \$26 million; in 1988-89, you only have \$3 million so far. There must be an awful lot yet to go out. Is that why nobody can get them?

**Mr. Brock:** As the minister indicated earlier today, we have the same amount of money to operate with as we had last year, approximately \$3,750,000 for interest subsidies plus \$1 million to cover losses. The interest subsidies, of course, accumulate every year. The \$3,750,000 did not leave enough money to service more applications than indeed the seven applications that have been serviced to date for that \$3,525,000.

**Mr. McLean:** So you are spending \$23 million less this year than you did last year, in essence.

**Mr. Brock:** The \$3,525,000 of course is the face value of the loan. We guarantee that loan, but we are only paying for the interest subsidies. We will have paid out this year, as indeed last year, approximately \$3,750,000 for the interest subsidies.

**Mr. McLean:** You are confusing the figures here. Last year, we had \$26 million out in loans.

**Mr. Brock:** That is right.

**Mr. McLean:** This year, how much have we got out so far?

**Mr. Brock:** Through September, \$3,525,000.

**Mr. McLean:** Minister, what is the problem here?

**Hon. Mr. O'Neil:** The problem is the program was designed to sunset at the end of this year. Each year, when we put out so much in the way of loan guarantees or interest subsidies to cover previous years, that accumulation builds up each year. In other words, the program was designed—Mr. Brock can correct me on this if I need to be corrected—such that as the interest guarantees are put out each year, the program continues. In each year, you have to cover the interest subsidies from the previous years. How many years would we have to go back, Bob, to cover the interest subsidies?

**Mr. Brock:** This program began some time around 1970. Some of those loans have finally expired, but not too many as yet.

**Hon. Mr. O'Neil:** So we have to continue to cover the interest subsidies that have been given

for each one of those loans that was given in all of those previous years, a great number of years. That is why there is the diminishing amount that is being given out. You have to understand that the program was intended to sunset at the end of this year. During those years when interest rates were very high, there were large numbers of loans and interest subsidies given. We have to cover those interest subsidies given in the previous years.

**Mr. McLean:** You cannot dazzle me with figures because I am too used to that. The point I want to make is that I have a letter from Mr. Elston of last month. I had written him with regard to TRIP. He indicated there would be a decision whether it would be carried on beyond 1988. I have a news release here from Mr. Eakins. The program has been extended into 1987 and 1988. It goes on to explain the amounts of dollars and what happens. I have another news release, where a minister by the name of Mr. O'Neil has made an announcement with regard to the family lodges and the \$750-million loan guarantee and the amounts of dollars that have been spent down in his area.

I am curious to know why. As to the figures we got here, you spent \$25 million one year, \$27 million another, \$20 million another, \$26 million another and this year \$3 million. There is either something wrong with regard to the program or the government has said it is not going to donate these funds. You recognized in your speech the importance of TRIP for the tourist operators. I am amazed that you seem to be cutting back on that area.

**Hon. Mr. O'Neil:** Maybe I should go on to explain a little more. I understand certain calls were made from your office to some of our tourism offices asking for certain figures that were given out in certain areas. You have to understand that TRIP is not the only program within the ministry. We have other programs, both in the north and the east and throughout the rest of the province where funding is given.

**1700**

We also have funding that is given to the tourism industry through the Eastern Ontario Development Corp., the Northern Ontario Development Corp. and the Ontario Development Corp. When you see funding that has flowed into the different areas, they did not all go underneath TRIP. It is likely that a lot of them went through some of the other programs we have within the ministry that give either loan guarantees or interest subsidies in other areas. Mr. Brock, you may want to touch on that too.



We are not trying to confuse you with the figure at all. You have to understand that TRIP is one that is to sunset at the end of this year. In making our commitment and looking for the funding we have to hand out each year, we have to cover interest subsidies that have been given over—how many years, Bob? We are going back approximately how many years now?

**Mr. Brock:** Usually 10 years.

**Hon. Mr. O'Neil:** It is usually 10 years that we cover in these subsidies. The program is of interest to the tourism industry and it is of interest to me. It is a good program and it is to sunset. We have made representations to the government and those are being looked at now. TRIP hopefully will come back, but it may not come back in the same form you have seen.

There are areas where we are subsidizing some projects that I feel others feel we should not be subsidizing, where the money is not required. The developers or the builders have sufficient money to go ahead with some of these projects themselves, without being subsidized to the point they have been over the last number of years. Mind you, to be fair, those subsidized interest rates were given at a time when they were very high and there needed to be some help. There may still be other projects where some help needs to be given.

We are looking at the program. We realize the importance of it. The industry and you have expressed that to us. I hope it will come back, but maybe not under the present one where it is.

There are other programs where we feel we can step in and where we have stepped in. Let me give you an example. Depending upon the application, what the ministry staff looks at is how it can best help the tourist operator who has come to us for help. Can it be looked at in some other way? Can it be looked at under TRIP? It is winding down and there are not the funds there. As I say, look at the numbers, at the amount of money we have put out over the last number of years and the number of applications we have had. There comes a time when I think you have to re-examine all these programs.

**Mr. Brock:** I might just add one short point. Mr. McLean, maybe you understand this, but I might point out that the program is really driven by the amount of money we have in the budget to cover interest subsidies. We can only accept as many applications as we can cover by way of interest subsidy.

When this year came along, we had so many applications out there; that subsidy amount builds up each year. We had the same amount in

our budget as we had last year, so we could not cover additional subsidies and therefore approve more loans than the amount I indicated, namely, seven.

**Mr. McLean:** I find that hard to believe because your budget for this year, 1988-89, is \$191 million, from \$160 million in 1985-86. It is up \$30 million in three years, so it has been cut somewhere else. Maybe that area has been cut and it has been put into some other area.

I have my answers to that. I would like to move on to a couple of the other questions I have. I want to ask them today when the chap is here from the St. Lawrence Parks Commission.

**Hon. Mr. O'Neil:** Very good. I will ask Bob Mitton, who is the general manager of the St. Lawrence Parks Commission, to come up.

**Mr. McLean:** The question I have is about the review the standing committee on government agencies did of the St. Lawrence Parks Commission. When we look at the expenditures that have taken place there and the revenue, we find that there is, I believe, about a \$10-million loss.

I realize the importance of the St. Lawrence Parks Commission to the area. However, we looked at a couple of areas we thought perhaps could be redundant as far as the parks commission is concerned. I am just wondering if the manager of the parks commission has given any consideration to that. If so, I would like to hear about it.

There is another area I would like him to comment on. I have never seen such a nice grassed area in my life. It is beautiful, the way they cut the grass down there. I have asked the question and I have not got an answer to it yet. What the cost is of cutting the grass for the St. Lawrence Parks Commission in one year.

**Hon. Mr. O'Neil:** Rather than putting Mr. Mitton on the grill—he is new. He has just been with us for a number of months and I believe is doing an excellent job. I know you are the committee that went down to the St. Lawrence Parks Commission and had a look at it. Have you made some suggestions as to areas where you think there could be changes made?

**Mr. McLean:** That is what I am wondering and that is why I raised the question with regard to cutting the grass and a couple of the houses at the western boundary. I thought it would be nice to have on the record what he anticipated he would do with those concerns I raised.

**Hon. Mr. O'Neil:** Fine.

**Mr. Mitton:** First, the question of the identified management difficulties of preserving

Gutzeit House in Bath and Fairfield House on the edge of Kingston: Your comments and questions on the commission's future role with those two facilities have been put before the commission. During this winter, the commission is taking a hard look at its role and its program for the next decade. Your comments stimulated considerable discussion and I think recommendations to our minister are likely to come early this spring in that regard.

With respect to grass cutting, in response to the questions we dug deep into the ledgers and did a lot of counting. Our report to your committee will be to you within a week or so. We have broken that out. I do not have the numbers in our head, but they are in that report and you will have it in a few days.

**Mr. McLean:** I have a final question. After coming all this distance, I thought it would be nice to have the at least St. Lawrence Parks Commission mentioned in our estimates. Where do you foresee the area where we can cut our losses, so to speak?

**Mr. Mitton:** I think the most immediate potential to cut our losses is embodied in a submission that is before Management Board of Cabinet now, to allow us, in those areas where we purchase and sell merchandise, to retain some of the funds we receive by way of revenue to acquire merchandise. I think we can generate more revenue for the province by doing that and offset some of our operational costs. There are other ways, but I think that is—

**Hon. Mr. O'Neil:** The deputy, Mr. Mitton and myself have had quite a few discussions with the board on this particular area. I have just recently come from a tour of the St. Lawrence Parks system. We did a two-day tour back about a month ago. What we have to offer there is very unique, in one of the most beautiful areas of the province.

Bob Mitton has mentioned that it is not only a case of retailing, where we hope to expand and make larger profits, but I also think Bob and his people are looking at the whole marketing of the St. Lawrence Parks and how we can increase the number of people who come to stay there, whether to just visit the park, to camp or to come to some of the attractions like Upper Canada Village or Old Fort Henry.

I know they appreciated the committee's visiting them this summer and the comments and suggestions you made. We are all looking at them. One of the things we discussed is that it certainly operates at a deficit. We are looking to improve that by some of the things we have just

mentioned. It may never make it to a paying basis, but it offers something that the people of this province can be very proud to have as part of their province.

**Mr. McLean:** I have two short questions. Could you elaborate on the reasons Mr. Morris was fired? The other question is with regard to your trip to Seoul. I find it hard to believe I have not had an answer yet so the taxpayers can know what the costs were. I think it is only right they can. We travel on committee and have our expenses very clearly detailed within a month. I think yours should be tabled and I am wondering why they have not been.

1710

**Hon. Mr. O'Neil:** Okay. First, on the matter you refer to as a firing, though I do not refer to it that way, there were some changes that were made at the St. Lawrence Parks Commission. Things change, people change, ideas change, people move onward. There has been a change down there, but I do not look at it as a firing.

In the case of the Seoul trip, I can tell you that as late as this morning we were working on the answer we propose to give to you. I can tell you that some of the expenses there were paid for by the ministry. We wanted to get all of those figures so we would have not only the money we spent but the money that was spent by the ministry, so we could charge that against our trip.

I can also tell you that I would place our expenses against any of the trips you or any of the members of your government have ever taken. I think you will find them very reasonable. When I go on a trip, I am very careful about any money that is spent in regard to what is personal or what is anything else. As I say, you will have that information coming forward to you within the next few weeks. I think you should be very happy with it.

As you should know by being in government previous to this, when these trips are taken, when I think of myself and my staff on that particular trip, we worked from early in the morning until late at night all the time we were on that trip. We were always working. We were always meeting with people.

I think what you have to also consider is that I, as the minister of sports, fitness and recreation in the province, was there, first, to support the Ontario athletes who were there. We were also there to do a lot of lobbying with the International Olympic Committee delegates who will be deciding on who gets the Olympics in 1996. We also visited with people in the tourism business, because we feel it is a very important market



there. We met with their government people and with our government people. We had meetings with people in industry who are thinking of locating plants in this province. That will all be listed for you.

I guess what I sort of resent a little is the tone of your voice; you would figure the ministers do not work the way they should or might be going away with the money of the province. I can also tell you that if you have any further questions on that report when it comes forward, I would be very pleased to pull out any of the ministers' trips of the previous government and compare them with the time they spent away and the money they spent. I have no problem justifying it one bit.

**Mr. McLean:** I am sorry my tone of voice led you to believe that I in any way whatsoever anticipated that you or anybody did not work hard, because I know there is not a minister, a Premier or a member who travels who does not work hard. I know you work hard. I am not insinuating that you or your staff do not.

The only thing is that I was asked a question and I put the question on the order paper for the people to know. I am certainly not doing it to try to find out something I do not know. All I am doing is my job as a critic. When people ask me a question, I think I deserve to give them an answer. I am certainly far from thinking you did not work hard. Do not take it that way.

**Hon. Mr. O'Neil:** Maybe I took it a little too personally. The problem has been in trying to get all these figures together and I want to make sure when I give you these figures that they are correct, that there are no mistakes.

As I say, if the ministry staff, when we were in Korea, took us out for lunch or paid for our luncheon when we were meeting with some of the tourism people or the minister of sports whom we met with there or some of these other people, I wanted to make sure those were part of the expenses so that I showed you the true figure. We have been waiting on some of those figures to come back from the ministry staff in Korea and that is the delay. We will try and have that to you as soon as we possibly can.

**Mr. Farnan:** If I could just make a comment, I am delighted to see that everybody thinks everybody else is working hard. If the burden ever becomes too burdensome, Minister, I want to let you know that whether it is in Seoul or in Europe, I would only be too happy to volunteer my services to help you lighten your burden.

**Hon. Mr. O'Neil:** Let me just say something there, too. I used to think that when we were in opposition. I was in opposition for 10 years. It is

quite an experience to travel on some of these trips and quite an eye-opener and a good education. I can tell you that when I was Minister of Industry, Trade and Technology, I took the Honourable Frank Miller with me on one of the trips. It is my belief that when we go on some of these trips, we should be taking the critics with us, and then maybe we would not get such difficult questions when we have estimates.

**Mr. McLean:** And here I thought they were all easy questions.

**Mr. Callahan:** See the nice things you guys get.

**Mr. Chairman:** Mr. Callahan, you had a question? As background, the five questions Mr. McLean asked were all of agencies which may be here. We are trying to tidy that part of it up today so they do not have to come back next day.

**Mr. Callahan:** All right. Maybe I will ask of the agencies. I would like to know if, at the Forum at Ontario Place, there are any sections of the seating held in reserve for the disabled and seniors.

**Hon. Mr. O'Neil:** I wonder if I could ask Patti Starr to come up. I know Mr. McLean has had some questions about Ontario Place, too. Patti Starr is the chairman of the board at Ontario Place. Maybe you could talk about the seats Mr. Callahan has mentioned, but maybe you could also talk about some of the other exciting things you are doing down there.

**Ms. Starr:** There is marked reserved seating at the Forum for the disabled. We have not specifically reserved seating for seniors, because we find that sometimes it is a subjective opinion about who is senior. We have not in the past.

We are instituting a seniors' committee this coming season. It might be something that is recommended and we will certainly talk about it. It is very difficult in the Forum to hold seats other than for the press, which we are required to do by virtue of the contracts we have with the artists when we book them. Certainly, it is something we will talk about.

**Hon. Mr. O'Neil:** How many seats do we have reserved? There is a box there for dignitaries. Could you explain what the policy is for the press and the dignitaries?

**Ms. Starr:** There are about 3,000 seats in the Forum, or 3,100 if we squeeze in. Of those, 26 seats are held—it is called the royal box, which I inherited in terms of its title—for the minister and/or any politicians and/or any major corporations who are promoting or paying for the shows.

In addition to that, there are now about 20 seats—we have cut down—held for the press and/or the designees of the artists. Sometimes on a special occasion—we had two royal visits—we will hold more seats, but that is the average we hold.

**Hon. Mr. O'Neil:** Those are released—

**Ms. Starr:** Ten minutes after the show begins. If the people who are designated to be in them do not show up 10 minutes after the beginning of the show, we then release them to the public and we bring them in.

**Mr. Callahan:** My major concern for the seniors is that if you want to get a seat down there, in my experience, anyway, it means sitting down and sitting there perhaps for an hour or more. I think it is unfair to our seniors and I think there should be devised a method whereby, maybe on their way in, they could be somehow identified. They have been around long enough and gone through enough as it is without having to stand around and queue up with the rest of us youngsters. I say that as I fast approach becoming a senior. I would appreciate it if that could be pursued. Hopefully, there is a way that can be done.

**Ms. Starr:** We certainly will pursue it with the seniors' group we are going to be talking about programming with.

**Mr. Callahan:** Could I ask one more question?

**Mr. Chairman:** Is it on this topic?

**Mr. Callahan:** No, it is not on agencies.

**Mr. Chairman:** We have several on the rotation who already want to ask, so I would prefer that any supplementaries of Ms. Starr are asked while she is at the table.

**Mr. McLean:** How many staff have been cut? I am talking about senior management types of people, not summer employees.

**Ms. Starr:** First, we did not cut anybody; they found other employment or chose to move elsewhere. I know there were numbers quoted, but I do not know from whence they came. We have about 12 of what you would deem senior people. As people have left, we have not replaced them, where possible. We try to combine and we have found that has worked.

**Mr. McLean:** Yes, that is the figure I am trying to get; the number who have left that you have not replaced. I think your complement of full-time staff is less than it used to be.

**Ms. Starr:** Overall, I think it is about 25 fewer people in full-time management, which would bring us down to about 80. In terms of the season, it depends on how we do with our summer hiring. We have a very difficult time. We look to get 1,100 or 1,200 total for the summer, and we have not been able to get there because the kids do not want to work.

**Mr. McLean:** But your full-time staff is not seasonal; it is full-time?

**Ms. Starr:** Full-time classified.

**Mr. McLean:** So you are running about 12 fewer full-time staff.

**Ms. Starr:** Yes, of the senior type. Our board inherited several under mid-level, full-time classified people whom we did not replace as they left, but they are not senior management.

**Mr. Sola:** I would like to review the tendering procedure at Ontario Place now. I do not know if the minister wants to answer that or some of his staff.

**Hon. Mr. O'Neil:** Certainly. Go ahead.

**Mr. Sola:** Are the tenders awarded to the lowest bid?

**Ms. Starr:** Generally. Under the rules or whatever the process is we get from the government, you generally go with the lowest tender unless—and you must document it—the lowest tender is no good: you do not like him, you have used him, he is no good, the one you have is that much better. The price differential must be pretty close. In other words, we would never go with anyone more expensive unless it was reasonably very close.

We try to balance the price with the quality. We have a short season and we cannot afford not to give the right kind of service. We find that is what we have been doing. I do not know what they did before, but that is what we have been doing.

**Mr. Sola:** Once the tender is given to somebody, are cost overruns allowed, and if so, by how much?

**Ms. Starr:** There is before Mr. O'Neil and after Mr. O'Neil—I do not know how you can word it. It used to be that there were many cost overruns. We tried to understand why the dollars being expended were that much higher than the budget. We have instituted in this past year, as much as we can, no overruns. If you are going to overrun, you have to have a very valid reason why, and why you did not know about it in the beginning. I know that is a vague answer, but we brought that into line in quite a dramatic way in



the last year, which accounts for our ability to cut back our expenses. Cost overruns are not an accepted practice at Ontario Place any more.

**Mr. Solá:** You say that previously they were. Can you tell me, would they be 10 per cent, 50 per cent?

**Ms. Starr:** I have no idea. We did not waste our energy. We started asking why. Then we decided we did not have that much time; we have a four-month season and we would work from that point forward, which is what we did. We do not know why. We did not analyse it. We know we have made it very stringent and our staff has been excellent in maintaining it.

**Mr. Solá:** In these tenders, do you make projections on the cost of materials before you—

**Ms. Starr:** It depends. Depending on what the tender is for, we expect it to be inclusive. If there is a cost for material included in the price the tenderer is putting in, it is my position—and they are very aware of it—that it is their responsibility. If the price goes up from their point of view, they would have to have a very valid reason to come back to Ontario Place for that money. Our position would be: “You have to project a cost. You can’t come back after the fact, because if you won a bid over someone else by virtue of that, you have to really come in on it.”

Without having a specific, I am being vague, and I apologize.

**Mr. Solá:** I am being vague myself. I just want a generic answer in order to be able to handle some questions I have had posed to me.

**Hon. Mr. O’Neil:** I believe the member brought a specific case to me.

**Mr. Solá:** Yes, I did.

**Hon. Mr. O’Neil:** As you know, we took it to Ontario Place. Somebody was not happy because a bid was not accepted. I think there were circumstances there as to why it was not. As Ms. Starr has mentioned, we have tightened up on this quite a bit so that we do not have problems within the bidding process.

**Mr. Solá:** Okay. One other thing: If you have costed the material and the bid comes in under the cost, for labour and material, do you check into that or do you just accept it and—

**Ms. Starr:** Keep the money?

**Mr. Solá:** Yes.

**Ms. Starr:** It depends. If something is less than we budgeted for, obviously there is a reason. It depends on the terms of the contract. In some contracts they go up to an amount, and if they come in less than that is it; in some contracts that

is the fixed price. I cannot imagine a scenario, I cannot think of one, where someone has, on a fixed price, come in less than told us about it and proceeded to give us back the money. If we have control over the product, then of course we will look at it. Sometimes we project in excess. I have tried to create minimal income and maximum expense just to ensure that we do not surprise the minister with numbers he is not anticipating.

**Mr. Solá:** So there are no open-ended tenders as such?

**Ms. Starr:** Not usually; not in the past year. We are very stringent on knowing exactly what the maximum cost will be.

**Mr. Solá:** Let me paint you a scenario with, say, the present lead scare in drinking water.

**Ms. Starr:** Yes, I heard about that yesterday. I did not want to think about it.

**Mr. Solá:** Right. If you had a plumber in there, say with a \$10,000 contract doing some repairs, and you wanted to remove the lead from your plumbing and use some substitute, would you give him that job or would that go to tender so other people would be able to participate?

**Ms. Starr:** Depending on the time frame, the need and the urgency, we would probably consult the deputy to find out if this was a scenario on which we had to go to tender or if it would fit under criteria based on time, need and urgency, that we had to do it and we did not have time, or if we could go for select proposals which would get around that problem. It would depend. Remember, we are a four-month operation. We do not have the time sometimes.

**Mr. Solá:** That is right, but in a case like that it could be a very big jump from the initial bid to your final cost.

**Ms. Starr:** But then that would be a rationale and a justifiable reason. That is the reason the price would change. We would ask the deputy, though, and get his direction on how to do it.

**Mr. Fleet:** You mentioned a number of times the difficulties of having a short season. In fact, that is a tremendous financial restraint in the operation. I am wondering what steps have been contemplated about being able to expand with events going on at the Canadian National Exhibition and/or expand in terms of the off season, which is much longer?

**Ms. Starr:** We would love to expand. Part of the long-range plan the minister referred to includes the options. Obviously, you are talking about a massive capital outlay, because a lot of Ontario Place is not winterized. We have tried to

look at what exists to see what we can do in the winter. The potential is dynamite in terms of the public, the things that can be done and the site; all of it. We are hoping that another good season will encourage the government to put into Ontario Place the millions that will be needed to winterize and develop a 12-month operation, which would subsequently have a revenue to go with it. We are very enthusiastic about it and it is in our long-range plan—hopefully, a short-range plan in terms of doing it. We are prepared to do it as soon as we get the go-ahead.

**Mr. Fleet:** But is that going to be all on the existing site?

**Ms. Starr:** I hope not. We are hoping the government would see the potential for us down there.

**Mr. Fleet:** If nothing else, I know Harold Ballard is looking for a place to locate a football team.

**Mr. Callahan:** I have a supplementary following up on what Mr. Fleet said. I was going to ask about the expanded operation, too. Why can you not, or do you, use the parking facilities, with a fee being payable, for a period beyond that four months? I have found that once Ontario Place closes down, there may be events going on, the Royal Agricultural Winter Fair is one, and many others at the CNE, yet the parking lot is gratis.

**Ms. Starr:** Even in charging for the parking, we have only 1,800 parking places. To get the staff on and all that is required, we have found it was not worth the money.

1730

**Mr. Callahan:** To staff the parking lot, would not—

**Ms. Starr:** If we get our approval for this coming season's plans we are planning to automate. If we can automate our parking then we will in fact be able to do that. That question was the first one asked. We have done costs about what it is going to cost—it is all manual, everything is manual, you would not believe it. We would have to get X number of people and it is very difficult. You have to pay them X minimum dollars—and all of the problems. The time frame is very short. Sometimes you are talking about hours between X and X; people will not come in those hours alone and you have to pay them. But if we automate the parking, which we are intending to do—which means “push the button, clang” and you do not need the same number of people, you need a person to collect the money at one end—we would be able to do

that much more easily. We want to do it. We see it as a potential revenue source.

**Mr. Callahan:** As I understand it, the Canadian National Exhibition makes more money from parking than from any other event that takes place there.

**Ms. Starr:** The Canadian National Exhibition has 5,800 parking places. It also has access to Metropolitan Toronto, its facilities and its people, unlike us who are a separate entity. They run many things in there on a 12-month basis.

**Mr. Callahan:** You may eventually become the overspill for the jitney down to the Domed stadium.

**Ms. Starr:** We certainly have some wonderful thoughts about how we could make life easier for people going to the dome, using Ontario Place as the place where they might want to come; but again it takes some dollars to start automating and bringing into the 1980s the facilities that are really quite antiquated.

**Mr. McLean:** Supplementary on that. What approvals are you asking for now?

**Ms. Starr:** I am asking for approval for the spending of moneys to bring the parking and the admissions up to today's standards.

**Mr. McLean:** How much would you be asking for?

**Ms. Starr:** We are asking for the funds that we have saved on the operational side. We are not asking for more money than you see there. We have asked for the funds that we have saved on the operational side. Those funds, rather than giving them back to the government, could in fact be moved over to the capital side to do just what I said.

**Mr. McLean:** What would be the estimated cost of that capital?

**Ms. Starr:** About \$1.6 million.

**Mr. McLean:** Thank you.

**Mr. Callahan:** I have another question on some of the agencies in the province.

**Mr. Chairman:** Mr. Farnan is next. All set? Mr. McLean—of an agency preferably?

**Mr. McLean:** No. I wanted like to talk a little bit about employee training.

**Mr. Chairman:** Can I just ask if there are any other agency questions before—there is one other agency question, if I may.

**Mr. Solá:** I have a couple of questions to somebody from the Ontario Lottery Corp.

**Hon. Mr. O'Neil:** I would ask Walt Stothers to come up.



**Mr. Sola:** At the bottom of page 21 you touched on the fact that the Treasurer (Mr. R. F. Nixon) is introducing a bill to use lottery proceeds for the operation of hospitals. Is that something new or is that a continuation of an ongoing practice?

**Hon. Mr. O'Neil:** The bill is Bill 119. There was a similar bill that was introduced I guess back about two years ago. First of all, the bill states that the proceeds from the Ontario Lottery Corp. will go first of all towards recreation, sports, fitness, culture and also the Ontario Trillium Foundation. Any funds that are not used in those particular areas will go towards health.

**Mr. Sola:** Okay, but is that a new policy, or is that something that has been going on and we are just putting it into legislation now?

**Hon. Mr. O'Neil:** Actually, that has been happening. In other words, what has happened is that part of those funds are profits from the Ontario Lottery Corp.; they have been going into general revenues and then have been used by the government for different purposes. Over a number of years they have been used for health care, senior citizens and things like that.

**Mr. Sola:** I have had questions raised where claims have been made that there has been a decrease in funding of training for various sporting or athletic activities. Can you confirm that?

**Hon. Mr. O'Neil:** You will notice in my speech we talk about the level of funding that has been given to the ministry. You will notice that that level of funding has increased over the years, it has increased substantially and we touched on that this morning. But the groups are concerned about the level of funding that is going to the different areas of recreation, culture, sports and fitness, those being the main areas. As I mentioned this morning, we had the main group that is dealing with that meet with the Treasurer on Monday morning to express its concerns that it wants to see the funds, at least, if not increased, then maintained. That presentation was made to the Treasurer.

**Mr. Sola:** What I am getting at though: was there a percentage decrease in funding or did we maintain it? Those are some of the questions that I have been—

**Hon. Mr. O'Neil:** We have been. It was also mentioned this morning when we were discussing these particular figures. We have attempted to get funds for the different programs that the ministry handles, especially on the recreation and sports and fitness side. Those funds have

fluctuated quite a bit—from 1975 to the present time. At one time, in the early 1980s, they were below what they are now. As I say, the funding rate over the last two or three years has been fairly constant and is up from the early 1980s, but there are different programs that you have to take into account and they are trying to put it all together. It is very difficult to do that.

We talked about the health and safety initiative which we have just initiated. We put \$1.7 million into that just a few months ago. There are certain areas within the recreation field where some of the groups have not been getting the same amount of money that they were getting before. One of them is regulation 517—which we have prorated—where we give a larger percentage to the small communities rather than the larger communities.

They are also complaining that in some of the championship travel the amount of money they have been getting has not increased. Our problem there is that the demand is very high for that from a larger number of people.

What we have been doing is to have hearings going on across the province for the last year, whereby we have met across the province in different localities with the people in the recreation field, to listen to their concerns on where they think more funding should go and how the funding in our different programs should be handled. We expect that report will be forthcoming some time in the first part of the year where we will be examining all of the different programs we have and the level of funding.

The main concern is that, of course, they would like to get all of the lottery funding. As I mentioned this morning, the lottery funds that have been generated through the lotteries have been way more than anyone ever thought they should be. I think it is unrealistic for the recreation groups across the province to expect to get the amount of money they would like to have for that, the total funding from that. We continue to look at that and to examine it. I know Mr. Farnan is shaking his head.

**Mr. Farnan:** I think, with due respect, I do not think they have ever said that they want all the moneys from those lotteries. What they want are guarantees. They want guaranteed expanded funding. Then I think they also recognize the fact that they have had denied what they consider to be legitimate requests.

**Hon. Mr. O'Neil:** To be fair again too, not all of the groups but some have said that they would like all of the proceeds that come from certain areas of the lottery funding. Others have said that

they would like half. What we as the government have said is that we have to look at that.

**Mr. Farnan:** That is a fair comment. I am not familiar with what every group said, but the major players in the ball game who have been in contact with me and with whom I have had discussions are taking a fairly pragmatic and reasonable approach. I think what they are saying is, "We want guarantees of funding and guarantees of increased funding." There are basic, genuine concerns and I think you are aware of them.

**Hon. Mr. O'Neil:** Yes, I am.

**Mr. Chairman:** Mr. Sola has a final supplementary to his question.

**Mr. Sola:** No. Actually, I had one, but I think in your extended answer you answered it. I had a question about decrease in funding for overseas travel for championship tournaments and you mentioned that.

1740

**Hon. Mr. O'Neil:** The demand there has been very high, yet it is a very worthwhile area. After these hearings, one of the things the ministry staff is looking at is where the funding should be directed. Should it be directed towards the regulation 519 communities or should it be directed towards championship travel or should it be directed towards other areas?

There is a general concern, as Mr. Farnan mentioned, that the groups are looking for maintained or slightly increased funding so they can look after the problems they have. They have certainly made us aware of those concerns in the presentations they have made not only to me and to my ministry staff but also to the Treasurer as late as Monday morning.

**Mr. McLean:** I have a supplementary on that. Many times I have mentioned that I think the ministry perhaps should be looking at a specific lottery for capital hospital construction. I am wondering what consideration your ministry has given to that: strictly for capital. I realize what Bill 119 is trying to do; it is operating. But for a long time I have thought that strictly capital funding, about \$250 million or \$300 million a year—that is about the \$850 million divided up with what the Treasurer put in a couple of years ago—would be about what we could raise with one lottery. I wonder what consideration the ministry has given this.

**Hon. Mr. O'Neil:** I know you have expressed this to me on different occasions and have written to me on the same thing. The Ontario Lottery Corp. is in the lottery business to raise funds.

Those funds are turned over to the province, and of course it is the province's and the government's job to determine where those funds are going to go. It is likely one of the reasons that in this Bill 119 the Treasurer has said he feels that part of those profits should go towards the health care field.

But that is not to diminish other fields. As minister for the recreation, sports and fitness field, and speaking for the Minister of Culture and Communications (Ms. Oddie Munro), the culture area and, of course, the Trillium Foundation, which we also support, these are very important areas which have to be funded. It is my job as the minister and the job of the recreation people across the province to fight for that funding and to get as much as we possibly can.

**Mr. McLean:** I think the essence of what the recreation groups are telling me is that whether it is 45 per cent or 35 per cent, they would like a specific allotment they are sure they are going to get. When you look at a bill where the Treasurer could transfer funds into operating, it really does not give much security for culture and recreation groups counting on that money. If it all goes to Treasury, they could spend 90 per cent of it on hospital or health care.

**Hon. Mr. O'Neil:** What you have to look at is that no one, or very few people or agencies or ministries of government I know of, are ever guaranteed how much money they are going to get each year. The scenario is that the government has to look at the different ministries and look at the requests that come in from them. It is then the government that decides how much money is going to each area. What we just have to hope in this particular area is that we have the ear of the government and the ear of the Treasurer, that our requests will be at least considered.

When we talked about the overall funding which has gone to the recreation, sports and fitness field, during the years of the early 1980s when we had the downturn in the economy, there was certainly a downturn in the amount of money the government of that day was giving not only to the recreation area but other areas, too. It is the difficult for the Treasurer and the government to determine how much is going to the different areas.

**Mr. McLean:** One final question on this lottery thing. What is in the kitty now?

**Mr. Chairman:** Could we wait a second? There are some other questions.

**Mr. McLean:** It is on lotteries.



**Mr. Callahan:** Mine is on lotteries, too.

**Mr. Chairman:** They are all supplementaries.

**Mr. Callahan:** Perhaps this is a matter of policy, but I would like to know. In the last three or four draws of Lotto 6/49, the ante was jacked up to \$10 million to take up the money people had neglected to pick up.

First, I think it is unseemly for someone to win \$10 million, but I know that is a policy decision that has to be made. Why could not money like that, which they forget to pick up, be channelled into a specific area such as hospitals? I do not understand why we have to give \$10 million to one person while we have all these other problems that exist.

**Mr. Stothers:** One of the ways of keeping the game legitimate is to tell the public buying the tickets that they always get 45 per cent of the gross.

**Mr. Callahan:** They do, because—

**Mr. Stothers:** They do not if they do not pick it up. When money is not picked up it goes back into the prize fund and then it is distributed in one way or another, so that 45 per cent of the gross proceeds we take in is always distributed to the public.

**Mr. Callahan:** I just came back from the state of Florida. They have exactly the same game. If you do not pick it up in 120 days, the money goes to the state of Florida.

**Mr. Stothers:** Yes, and they tax it and pay it over 20 years. As a result, we have a lot of people around the world who would sooner play our lottery. It is a case of trying to design the lottery so that it is (a) perceived to be fair and (b) open to review.

**Hon. Mr. O'Neil:** Maybe you could touch on the Interprovincial Lottery Corp. too, and the \$10-million prize.

**Mr. Stothers:** Yes. The \$10-million prize was on Lotto 6/49. That is an Interprovincial game. In fact, we in Ontario voted against that \$10-million prize because we thought it a little unseemly too. We thought \$5 million would be fine, but we were overruled by the balance of the lottery corporation.

**Mr. McLean:** Just \$1 million would do me.

**Mr. Chairman:** Just to reaffirm that we are on Mr. Sola's question, these are all supplementaries. Ask one supplementary at a time to give everybody a chance. The reason I am a little concerned is that we are running out of time. We

only have about 12 minutes left. Hopefully, we will get everybody's questions answered.

**Mr. Farnan:** Concerning the designation of the funds, the minister has given sort of an overview that the government will decide where funds go, but the lottery was marketed on the basis that these funds would be designated for culture and recreation.

You have talked about integrity in the lottery system. Having generated these funds based on a marketing process, a government-stated directive that these funds would be directed to sports and recreation, and having accumulated X amount of funds, does this not in a sense undermine the integrity under which these funds were generated? If you are marketing a lottery for the future, does it not make sense to designate that this particular lottery is for sports and recreation and this particular lottery is for hospitals?

**Mr. Stothers:** Can I answer in a little longer way? First, let me say that the three Ontario games are the ones specifically designated in the legislation; they have been going, as I understand it, to sport and recreation. The moneys from the three national games have been going into the general revenue, the three national games that are not specified in the legislation because they came along later.

To come back to your other point that it might be better if you had one lottery for hospitals and one lottery for this and so on, it would be great if you could predict (a) how successful the lottery was going to be, and (b) how much money you needed. The difficulty we would run into is that we have no way of accurately assessing the success of any particular game and there is a difficulty in assessing the amount of money a particular need requires. As a result of those, it is pretty hard to match them up, and it is much better to pool the funds and then deal with them as the government perceives the need.

**1750**

**Mr. Farnan:** You said we have no way of predicting the funds that will be generated. I think that is precisely the point we were making this morning, that we cannot predicate our health services on a generation of funds when we have no guarantee funds will be generated from one year to the next. I think your response undermines the concerns I and my party share with regard to health care costs coming from lotteries.

**Mr. Stothers:** I think that is an argument you may well use—

**Mr. Farnan:** As often as we can.

**Mr. McLean:** I gather then that you are in favour of Bill 119?

**Hon. Mr. O'Neil:** I do not think it is fair to ask that.

**Mr. Stothers:** I do not have any comment on Bill 119. I really do not. That is government policy. We raise the money; we do not spend it.

**Mr. McLean:** The reason I said that was that in your previous answer you said you think the government should be able to spend the money where it feels in whatever area. Maybe I took it wrong.

**Mr. Callahan:** On a point of order, Mr. Chairman: The standing orders do not allow a member to ask a member of the staff a policy question. He should not be asked that question, either by inference or directly.

**Mr. Chairman:** I think the ministry official has handled this properly. He did not answer it and that is what he should have done, so your point is sustained.

**Mr. McLean:** Whether the official can answer or not, I am just curious about the funds there now that cannot be spent. Is there an amount of money that—

**Hon. Mr. O'Neil:** The moneys go into general revenue and then they are allocated from there. During the previous government, which you were part of, for many years part of those lottery funds were used for uses other than recreation and sports and fitness, because it saw large amounts coming in.

**Mr. Keenan:** If I may just comment further to the minister's point, the lottery money, certainly for as long as I have been associated with lottery funds and that goes back some years, has always gone into the consolidated revenue fund and it has always been voted out through the estimates. That is the normal process for dealing with the lottery funds, as I say, for at least the last 10 years.

**Mr. Farnan:** But up to this time—

**Mr. Chairman:** Mr. Farnan, you are out of order. We have five minutes to go.

**Mr. Farnan:** My apologies.

**Mr. Chairman:** Mr. McLean already snuck in a second. In the future, if you ask something inappropriate, it is a question, because you are asking a second—

**Mr. McLean:** I just want clarification of how much money is there waiting to be used and there does not appear to be an answer. With the \$470

million, maybe that is the total revenues in the year?

**Mr. Stothers:** That is the yearly profit.

**Mr. Callahan:** When these draws for Wintario and so on are carried on television, is there any revenue from that and is that revenue made available to the ministry?

**Mr. Stothers:** Yes, there is revenue from the advertising and that is credited against the cost of the program.

**Mr. Callahan:** I guess I am asking if there is any extra.

**Mr. Stothers:** No, there is not any extra.

**Mr. Callahan:** Does it cost us anything?

**Mr. Stothers:** Yes. The minister tabled the amount in the House last month. It was around \$2 million, as I recall.

**Mr. Callahan:** And when the—

**Mr. Chairman:** Is it the same question?

**Mr. Callahan:** This is sort of all the same question. When this is done in various municipalities, there is usually a clip on that municipality. Is the municipality charged anything for that clip?

**Mr. Stothers:** No.

**Mr. Callahan:** They do not bear any of the costs of the program?

**Mr. Stothers:** No.

**Mr. Callahan:** Do they provide the facility?

**Mr. Stothers:** They provide the facility and the entertainment ahead of time and they sell all the tickets. It is usually done by a local club trying to raise some extra money.

**Mr. Fleet:** I am looking for clarification on some of these numbers bandied about. You probably already stated it, but different numbers floated from different sources, so could you say again how much money was applied, say in the last year, that originally came from the net profits from the lottery operation that was not applied to sports and recreation? Just a ballpark figure.

**Hon. Mr. O'Neil:** Of the total figure, the sales stood at approximately \$1.2 billion and the profit last year was about \$471 million. I think the average has ranged over the last few years somewhere around \$45 million towards recreation, sports and fitness. The figure has dropped lower than that and has maybe gone slightly higher, but the average figure is around \$45 million. Of the \$471 million profit, an average of \$45 million goes towards recreation, sports and fitness.



**Mr. Fleet:** The whole Health budget estimates are something like \$5 billion?

**Hon. Mr. O'Neil:** The Health budget is presently at around \$13 billion.

**Mr. Fleet:** The suggestion was that the whole Health budget was being undermined. I just wanted to know whether that was realistic. I think the numbers speak for themselves.

**Mr. Chairman:** Thank you very much. I am going to adjourn the meeting on vote 3601, item 1, in a moment. Before I do that, I would like to thank the officials from the various agencies for

being with us, anticipating that most of them will not be back next day. I would like to remind the critics and the government members that if they require a specific agency for next Thursday, they should so advise the minister well in advance.

My understanding is that there are several substantive questions outstanding, so we will reconvene at 10 o'clock next Thursday, December 8. We have an hour and 11 minutes left, the clerk tells me, in this part of the estimates.

The committee adjourned at 5:56 p.m.

## CONTENTS

Thursday, December 1, 1988

<b>Estimates, Ministry of Tourism and Recreation .....</b>	G-245
<b>Recess .....</b>	G-258
<b>Adjournment .....</b>	G-284

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

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Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

**Also taking part:**

Farnan, Michael (Cambridge NDP)

**Clerk:** Carrozza, Franco**Witnesses:****From the Ministry of Tourism and Recreation:**

O'Neil, Hon. Hugh P., Minister of Tourism and Recreation (Quinte L)

Stothers, Walter G., Chairman, Ontario Lottery Corp.

Secord, Bob E., Assistant Deputy Minister, Recreation Division

Keenan, James W., Deputy Minister

Maxwell, Carol, Manager, Advertising and Promotion, Tourism Marketing Branch

Brock, Robert L., Director, Tourism Development Branch

Maxwell, John O., President and Chief Executive Officer, Metropolitan Toronto Convention Centre

Mitton, Robert L., General Manager, St. Lawrence Parks Commission

Starr, Patricia, Chairman, Ontario Place Corp.







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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

#### **Standing Committee on General Government**

Estimates, Ministry, of Tourism and Recreation,  
Ministry of Municipal Affairs

#### **First Session, 34th Parliament**

Thursday, December 8, 1988



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers



## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, December 8, 1988

The committee met at 10:06 a.m. in room 228.

### ESTIMATES, MINISTRY OF TOURISM AND RECREATION (continued)

**Mr. Chairman:** I recognize a quorum. We are picking up where we left off with the estimates of the Ministry of Tourism and Recreation. Unless there is some disagreement, the chair understands that we are going to be discussing, in the remaining hour and 11 minutes that we have, under vote 3601, five votes with several items in total. At the end of the hour and 11 minutes, I am required by the standing orders to call a vote and will be doing that.

We left off last day and are in the rotation, I believe, at the point where the next person to be recognized would be the critic of the official opposition, Mr. Farnan.

**Mr. Farnan:** Just a question to the minister in terms of gasoline prices: It has been brought to my attention, and I am sure to that of many individuals, that just prior to a holiday weekend the price of gasoline at the pumps invariably jumps. One has to feel that it is at a time when Ontarians might be taking short trips or longer trips to visit their families some distance away and at a time when we attract a lot of across-the-border tourists. Does this concern the minister and what actions can be taken to ensure that this practice is stopped?

**Hon. Mr. O'Neil:** I know it is not only a concern of yours, but also Mr. McLean has mentioned it on previous occasions and certainly it is a concern of mine. I guess the concern is that when we go from different parts of the province we see different areas where prices are higher or a lot higher than in another area. Even when we look at the gasoline prices that we have at some of the service centres on the 401, I think it is very important that we have some conformity on the pricing of gas.

It certainly has been a concern of mine too when we see the way oil prices have dropped and it just does not seem that the corresponding prices for gasoline have dropped in the same proportion. Both ourselves as a ministry and you as critics or as opposition members have to express those concerns to the companies, especially to

make sure we can get the lowest gasoline prices that we possibly can.

**Mr. Farnan:** One of the valuable things when planning a holiday is to have some reasonable idea of what the costs are. Unexpected price changes are an annoyance and also hit the pocketbook. But certainly it tends to aggravate one's enjoyment as a tourist.

I know we are all concerned, but are there any constructive, concrete steps that this ministry has taken in order to ensure some kind of conformity, some kind of control, so that we do not get this unexpected situation where you pull into a gas station and find that the price is significantly higher than 400 kilometres down the road?

More important is the initial concern that I raised—I think it is a consumer issue as well as a tourist issue—that it would appear that just prior to the heavy use, just prior to every long weekend and every holiday season, not just one or two or competing stations but all of them seem to realize that this is a bonanza where they can take the consumer and the tourist to the cleaners. There certainly would be anticipation on the part of the citizens of Ontario that there would be constructive steps.

I think one of the things that people find unacceptable is expressions of concern, and I do not think that myself and Mr. McLean and yourself all saying, "Gee, we're very concerned about this," is going to be an inadequate answer to the people in Cambridge and the people across Ontario.

**Hon. Mr. O'Neil:** Again, as far as jurisdiction goes, it is not underneath our jurisdiction except that, as a ministry and as individuals and as a government, we would have to express our concerns on this. It is not something that is new; it goes back. I can remember in the opposition years, when we were there, we used to raise it. They would say it comes under the federal jurisdiction, but I think when something like that happens, it would be good to bring it to the attention of the Minister of Energy (Mr. Wong) or the Minister of Consumer and Commercial Relations (Mr. Wrye) and also the federal people and to tell them to pick up the puck, because it is important.

**Mr. Farnan:** As this has a very significant impact upon your ministry, could we take it this



morning that you will give a commitment to encourage within cabinet the development of some kind of policy that will provide concrete steps to solving this issue of the increased cost appearing prior to holiday weekends?

**Hon. Mr. O'Neil:** As I mentioned before, and as the deputy is mentioning again too, it is federal jurisdiction on the pricing of gasoline; it is in the Competition Act. But I can tell you that we have expressed concerns about it and any time you have something like this that you see is happening, if you would be pleased to let me know, I will make sure that those concerns are forwarded on to the people in Ottawa. I do not think it hurts either to mention the name of the company. If it is a particular gas company where that is happening, those people should be zeroed in on. They give lots of reasons for it, and they may be justified reasons, but a lot of people wonder about that.

**Mr. Farnan:** This is an overall increase at specific times. Is there absolutely no leverage that this government can exert upon the situation that will force the companies to come to terms and to treat their consumers and tourists more fairly?

**Hon. Mr. O'Neil:** I am not aware of any. I know that back a number of years ago there were some very detailed hearings held before the federal government on just this same issue, trying to establish whether there was any type of collusion among the gas companies on the pricing of gasoline. I do not think it was ever proved that there was.

**Mr. Farnan:** This may be the compromise of this morning. Maybe you could give us an assurance that you will direct your staff to investigate and see if there is any possible way provincial intervention can be exercised in bringing these companies to task and demanding that a regular price be charged, particularly at these holiday season times and more generally throughout the year. Perhaps you could give the assurance that your staff would put their collective talents and energy into seeing if they can find a constructive, concrete way that we can have an impact upon these companies provincially.

**Hon. Mr. O'Neil:** Deputy, do you want to touch on that? Again, it really is getting into a jurisdiction that we have no control over except, as I said, to express our concerns and the concerns of the people that we look after in the province. I know it is something that is discussed, that the staff is quite aware of and in

some cases is quite concerned about. These concerns are expressed.

For me to say that I can—except for doing what I am just saying—go out and change the federal laws or the enforcement of the federal laws, I am not able to give you that sort of commitment, except to say what I just said.

**Mr. Farnan:** The second request was that you would direct your staff to examine the situation with the talents available in your resources, to see if there is any possible way the government can effectively influence the situation that would result in a fairer break for the citizen travelling in Ontario and the tourist in Ontario.

**Hon. Mr. O'Neil:** I would say that likely what I would be best to do is ask the staff to make a note of the concerns that you have expressed and pass on these concerns to the Minister of Energy here in the province. I will talk to him on the matter.

**Mr. Farnan:** I appreciate that.

**Mr. Chairman:** The chair recognizes the critic of the third party, Mr. McLean.

**Hon. Mr. O'Neil:** I sure hope he is in better humour today.

**Mr. McLean:** I am always in good humour.

**Hon. Mr. O'Neil:** I know you are.

**Mr. McLean:** I just want to read a paragraph on page 16 of your opening statement. It says,

“Since its inception, COTDA contracts have provided \$35.4 million in assistance to six product development projects, with a combined cost of \$248.1 million. Together these six major projects are expected to generate 2,371 person-years of employment in the construction industry, 1,786 permanent tourism jobs operating the facilities and some \$6 in new private sector investment for every dollar of government support.”

It goes on to say, “Developments funded by COTDA, such as Cranberry Village near Collingwood, the inn at Horseshoe Valley Resort near Barrie and the Pinestone Inn and Country Club in Haliburton are giving Ontario year-round destinations with brand name appeal and international drawing power.”

My question is: why has your ministry decided to withdraw the \$1.9-million loan that was given to Horseshoe Valley?

**Hon. Mr. O'Neil:** As you know, this is something that has just happened over the last couple of weeks. I know there has been some concern expressed about it, but I guess that you are also aware that the commitment we made to Horseshoe Valley was a commitment that was

made to the present owners. Of course those owners, today or a few days from now, will no longer be in control of that establishment.

I could get into the details if you would like me to get into them, as to the new purchasers: whom it has been sold to, the price at which it has been sold and the profit that will be made by the present owners. Of course I take my advice from the Canada-Ontario tourism development agreement people who are my own officials and who are the federal officials. The federal government, as you know, is quite involved in this thing. I guess it is our feeling that the \$1.9 million that was loaned to them was loaned on the basis of their continuing as the owners. I believe there is a stipulation with the Canada-Ontario tourism development agreement that, if it is sold—if it is sold for any different reason or if any different uses are to be made of the property other than when we loaned the money, we have the prerogative to withdraw that loan.

#### 1020

It is the assessment both of my officials and the federal officials at COTDA that the circumstances are such that there will be new owners of the property, there will be new uses made of the property and there will be a fair amount of money that will be generated or put into additional development there. At this time it is felt by the officials that money should be repaid to both levels of government. Those people, from what I understand, have approached us saying that it could cause them some immediate problems if they are not given a certain amount of time.

I believe Bob Brock, who has been handling the matter, is here. It is my understanding that we are prepared to give them so many days to help them set up the financing and to make any changes that have to be made. But it is the feeling of the officials that we should ask for the repayment of that particular loan.

**Mr. McLean:** My information is that the federal government is not wishing to have the loan withdrawn.

**Hon. Mr. O'Neil:** That is not the case, Mr. McLean. In fact, as the deputy says, they actually have the lead on this. I can tell you this: When this suggestion was first made about withdrawing this loan, the first thing I asked our officials to do was to contact the federal minister and the federal member in that area to make sure that he was made aware of this.

Bob, maybe you could come up to the table. This is Bob Brock, who is with the ministry. Again, I guess I hesitate to interfere in these matters when I believe we have top people in

COTDA from both the provincial and the federal governments, who have made the suggestions to both me and, I understand, the federal people.

What you have just said is not correct. At least it is my understanding that it is not correct. Bob, would you like to expand on this a bit?

**Mr. Brock:** Yes, sir. The decision taken by the COTDA management committee is jointly shared by both the federal and provincial governments. There is no question about that. We have no intention of interfering in this deal or preventing a sale from taking place. The purchasing group, as far as we are concerned, looks like a fine, respectable group.

**Mr. McLean:** Does the sale not hinge on the continuation of the loan?

**Mr. Brock:** In our estimation—that is, the COTDA management committee's—the COTDA loan should not in and of itself be a factor in the closure of the agreement between the two parties.

In any event, as the minister just mentioned, we are prepared to entertain a form of extension by way of repayment. The last thing we would want to do is interfere in the closure.

**Mr. McLean:** What period of time would you anticipate the extension could be, a year or two years?

**Mr. Brock:** No, that is the subject of negotiation between the two parties, namely the COTDA management committee and the present owners. We have very recently exchanged some correspondence in that regard. In our view it could be as short a time period as 10 days.

**Hon. Mr. O'Neil:** I might say that this matter has been sort of ongoing, and it is of concern to me because I feel the resort is an excellent one and offers excellent facilities.

But, on the other hand, if there is going to be a deal, the deal is going to be closed and there are large amounts of moneys transferred, I think that we should make sure that we are protected in the amount that we have in this.

We discussed this as late as about an hour ago. I have instructed our staff to get back to the other Canada-Ontario tourism development agreement, to the federal people, and discuss this matter and do what we can to assist. I think we have to protect ourselves on this too. We will try to work as best we can with them, but we do have the money to protect for the province.

**Mr. McLean:** Have there been any other situations across the province where the same type of thing has happened? I understand that when Deerhurst Inn and Country Club changed hands the money it got stayed.



**Mr. Brock:** What Mr. McLean has just stated is correct.

**Hon. Mr. O'Neil:** And I would ask the same question.

**Mr. Brock:** However, in the case of Deerpark, of course, the project to which COTDA contributed was not even half completed, so most of the COTDA moneys had not been used at all. That is why we left the money in there. We wanted to see that project completed, the project for which the moneys were originally intended. I submit the circumstances were much different. They were needed. There was a demonstrated need for that COTDA money to remain in place. That is a very important criterion, the demonstrated need for the money.

**Mr. McLean:** You indicated, I believe, that one of the reasons was it was probably changing the atmosphere, the operation of that facility. I do not see where there is going to be any change. If that is one of your reasons for withdrawing the \$1.9 million, I would like to know why it was withdrawn and what changes you discussed that would take place. Horseshoe Valley Resort is a beautiful ski resort. It is becoming known worldwide. I think you indicated that because there were going to be some changes made there, that was part of the reason.

**Hon. Mr. O'Neil:** Again, I think we have to be very careful. There is an offer that has been made and there are certain plans the new owners have on it. I would just as soon not discuss it here. If you would care to sit down with Mr. Brock or myself following this, if you would like us to, if you are asking, we will. I do not think it would be fair to the new purchasers to get into any of these details now.

**Mr. McLean:** No.

**Hon. Mr. O'Neil:** We would be very pleased to sit down with you after, or whenever you like, to go over this whole matter.

**Mr. McLean:** I do not want to jeopardize any business.

**Hon. Mr. O'Neil:** We have to be very careful of that.

**Mr. McLean:** I think that has probably answered most of my questions with regard to that. I see you were well prepared and expected it.

**Hon. Mr. O'Neil:** It is not just a case of expecting it this morning; it is something that has been ongoing for the last while. As I say, I have visited the resort. I participated in the official opening of the extension, as you know. I feel it is

one of our top tourism attractions in the province. There are circumstances why the decisions have been made. As I say, we would be pleased to share those with you.

**Mr. McLean:** I have some other questions I wanted to discuss today.

**Mr. Chairman:** Could I interject here, Mr. McLean? If we are changing direction, we should be in the rotation and allow the other people to ask in turn.

**Mr. McLean:** Are you going to share the time or how are you planning on doing it?

**Mr. Chairman:** I am hopeful there will be co-operation and we will make them short and snappy, so we can get through them all. In all the other estimates, we have finished all the questioning. As the time draws to a close, if you feel you have several that you have to ask and you want to put them to the minister—in one instance, we allowed three to get responses after the hearings. I think everybody has to be cognizant of the fact we have only a bit less than an hour or so. I hope we will have some snappy questions and snappy answers from here on in and keep the rotation snappy.

**Mr. McLean:** The questions will certainly be snappy.

**Mr. Chairman:** Good.

**Mr. Callahan:** I would like to ask a supplementary.

**Mr. Chairman:** I would just as soon not now, because I was in the process of recognizing Mr. Fleet.

**Mr. Callahan:** It deals with what was being discussed as I came in, the COTDA moneys and the securities that are applicable.

**Mr. Chairman:** That was not the general question that was asked.

**Mr. Callahan:** He was talking about Horseshoe Valley.

**Mr. Chairman:** This question was specifically with respect to Horseshoe Valley and we did not get into the general thing with respect to COTDA moneys at all, so I would like to recognize Mr. Fleet at this time and continue with the rotation.

**Mr. Fleet:** Thank you very much. I have two aspects, one almost more of a comment. The minister will recollect, I am sure, that I made some suggestions about perhaps being able to improve the reception people get when they come into Pearson International Airport. I take it the gist of the response from the federal

government was that it was its turf, thank you very much.

1030

I hope that in light of the current, I think it is fair to say chaos that is taking place there, it might be an opportunity for the provincial government to reiterate a desire to establish more information booths or friendlier sources of information. Certainly, when people get off the airplane they frequently get lost as they wander around in the airport. If you have any new information, that is fine. It is more of a comment than a question.

The other area I want to touch on—it has been touched on in your remarks and to some extent in the questioning—is the recreational opportunities and the tourist area opportunities for those people who are either seniors or are physically disabled, what we sometimes call the physically challenged. If you are going to almost any of the major tourist attractions in Ontario, there are a lot of physical challenges for somebody in a wheelchair.

I have become more and more conscious in this job of just how difficult it can be for some people. It is stuff people ordinarily do not think about. Particularly as things are being planned and there is reconstruction or fresh work or renovation work done on any of the sites across the province, what mandatory requirements there are for them to accommodate both the elderly and those who are physically disabled?

**Mr. Chairman:** Before you answer, minister, I ask Mr. Cordiano to take the chair for about 15 minutes, please? I have a briefing I must attend as of two minutes ago.

**Hon. Mr. O'Neil:** Touching on the first subject you mentioned, the problems we are having at Pearson International Airport are of quite a bit of concern to us, not only as a government but also in the Ministry of Tourism and Recreation. I will just relate that I had an example where I had to go to Thunder Bay for a couple of days this weekend. I went out to the airport for an eight o'clock flight on Thursday evening. We left at 11:35 and I think I arrived in Thunder Bay after two o'clock in the morning.

I have also experienced other circumstances where I have come in and have had to clear customs. The lineups to get through customs are very long, and again when you go to pick up your bag and try to get out of there. To me, they are understaffed and there are a lot of things that need to be corrected.

I can tell you that the ministry has been in touch with the federal Minister of State (Small

Businesses and Tourism). I also have had discussions with our Minister of Transportation (Mr. Fulton), expressing our concerns. We have discussions on that, so that when he spoke to the federal Department of Transport people, they would also be aware of the concerns of this ministry of tourism as it relates to people coming and leaving the country.

There is quite a bit of concern among the tourism groups and client groups within Ontario. I understand that they are also planning to ask, or have already asked, for a meeting with the federal people concerning this matter to express their concerns as to how it will affect people who are coming into the province.

I think we have to exert some pressure. We depend on tourism a lot in this province. A lot of the jobs and the income we get, whether through taxes or money that is generated, comes from tourism. I do not know whether you have heard the figures, but I guess last year the tourism industry generated close to \$9.3 billion—it will likely be closer to \$10 billion this year—over 400,000 jobs and brought in over \$1 billion in tax revenue.

If we have something like Pearson International Airport that is going to give bad experiences to people who are coming in or leaving, I think it is detrimental to the tourism business. Yes, we are working at this to see those problems are corrected by the federal government.

On the subject of the physically challenged, I think the ministry has been quite active in this area. We had some earlier questions on it. I could maybe touch on a few of the things that we are doing. We are trying to work very closely with Mr. Mancini and the Office for Disabled Persons.

There are some things we are moving on in this line. In the spring of 1987, the Ministry of Tourism and Recreation initiated and provided direction to the National Committee on Physically Challenged Travellers. Subsequent to this, we undertook a study to determine the access needs of physically challenged persons in tourism, identifying present barriers and suggested solutions.

In the accessibility program that we have developed, we have developed an educational information strategy to improve the services and systematically remove some of the barriers we saw were there and some that are still there. Some of those were assisting the leisure industry to recognize physically challenged persons as a growing, profitable and serviceable market, present in all market focus areas, through



workshops and training we have held around the province.

We have also assisted the industry to understand the physical and service needs of this client group and how it can integrate it into existing services, with the Ontario Accessible manual of access guidelines for tourism loans and a facility checklist for consumer information services. Also, our present tourism loan policy within the province requires operators receiving funds from the Ministry of Tourism and Recreation to include provisions for accessibility to the services they offer.

We think we have improved the attitude barriers through funding to Kids on the Block and the Rolling Thunder theatre group. Also, we have established a plan of action to fully integrate marketing services for information and advertising that will be more accessible to those who have a variety of physical challenges.

Our long-term commitment is to have fully integrated operations and a customer service approach to the needs of this client group. We have been made very aware of it through the Mr. Mancini and his ministry and through other discussions that have been taking place in the government. We are working towards those ends. There are still things that need to be done.

**Mr. Fleet:** Thank you.

**The Acting Chairman (Mr. Cordiano):**

Since it is my minister up here, I am tempted to use the chair's prerogative to call an adjournment of this meeting, but I am informed we have about 35 minutes left, so I will turn to Mr. Farnan.

**Mr. Farnan:** I would think you would want to keep it going. This is an opportunity for the minister to shine, and obviously he has been doing that for the last several weeks. I am sure he would be very disappointed if you were to terminate proceedings.

I just want the minister to comment on a couple of items, the concept of bed and breakfast and the concept of the farm holiday.

I believe one of our greatest tourist assets in Ontario is the people of Ontario. They are probably the greatest single factor that will help us to become a leader in the very competitive tourist field. If we are going to grab a major share of the tourist market, it is our people who will make this possible. It also has the benefit, in my view, of spreading tourism prosperity among ordinary Ontarians. Both these concepts, the bed and breakfast and the farm holiday, are very attractive tourism promotions. I know some work has been done on this. Would you like to

elaborate on where we are and what strategies you have in place for promoting these areas?

**Hon. Mr. O'Neil:** I can ask Mr. Brock to come up in a minute—Bob, would you like to come up?—but I will make some general comments. I think both concepts are excellent ones. As far as the bed and breakfast and even the farm holidays are concerned, I guess the concepts are just starting to catch on in the province. I know that in the Quinte area, Belleville-Trenton and the surrounding area, where I come from, we have had a few people who have started to open up for bed and breakfast. Also, over in Prince Edward county, a few of the farms have opened up for farm holidays.

I think the member for Wellington (Mr. J. M. Johnson) has expressed to me on a couple of occasions how he sees a great future, especially with farm holidays. I see it as an excellent concept. Of course, at the present time, we do not license either. I think it is within our mandate to cover only so many units and above, but we are working with both segments of that. Maybe I will ask Bob Brock to touch on it.

**1040**

**Mr. Brock:** It so happens that very recently there has been organized in Ontario for the first time a federation of Ontario bed and breakfasts, an organization that can represent all of these interests for Ontario. We were happy to see that and a letter has come to us from the new president. We are going to meet with him in a few weeks' time. There are a number of issues he would like to discuss with us. We will also recommend that his organization consider joining the Tourism Ontario organization. To see them organize for the first time on a provincial basis, I think can only help these operators.

The number of operators has increased. There is a need for organization and for standards to be created by which all the members can better serve the public, and we can only welcome that.

Farm holidays are less well organized, less popular. None the less, we believe they represent a market and something we should investigate more carefully. They have been more popular elsewhere in the country than Ontario for some reason. There is definitely more organizing to be done in that small, specialized segment of the industry, and perhaps there is more potential. We have to continue to look at it.

**Mr. Farnan:** To follow up on the concepts in the two areas, I will take the idea of standards in licensing first. Will this new group, the Ontario bed and breakfast association, be talking about standards set internally by the association? Will

we be looking at a licensing process? Is this something the ministry has considered as a desirable manner in which to control standards?

**Hon. Mr. O'Neil:** We have to make sure there are some types of standards there. I am going to ask Bob to talk on that, but from my own personal point of view, I think that when you have people who come into the province and stay at our establishments, there has to be some sort of standard set, whether it is set by people within the ministry, by their own association or by a group like Tourism Ontario. I guess that is what we are looking at at the present time.

**Mr. Brock:** This will be one of the major issues for discussion when we meet with the bed and breakfast group. They might well wish to first try to adopt standards voluntarily. They may not wish to be licensed by the province. We are not absolutely certain at this point in time, but it is a very important matter for us. Currently, unless there are four rooms or more, they do not have to be licensed by the province, as I am sure you are aware. That whole issue will be an important topic of discussion, but now we have somebody representing their interests to talk to and discuss this with. That is the important thing.

When I was discussing both of these subjects before, the bed and breakfasts and the farm holidays, I should have mentioned that the ministry does promote and has a publication relating to each of these markets. We do promote both vacations, the farm holidays and the bed and breakfasts, in this province.

**Hon. Mr. O'Neil:** A couple of other points on that too: For us to get into regulating and inspecting all of these places could get quite involved. There are other areas that are looked after in this particular, whether it is the local board of health or other inspection agencies of the government. Again, I think the best way on something like this is self-regulation and self-policing. We also have within Tourism Ontario a rating system, a grading program. That may be something that will apply.

**Mr. Farnan:** In order to save time—I am probably familiar with the answer in that area—I would like to move on.

**The Acting Chairman:** I just want to interject to say that we have about half an hour left.

**Mr. Farnan:** I appreciate that and I believe we can share that time equally.

**The Acting Chairman:** Fine. Please continue.

**Mr. Farnan:** The Ministry of Housing, for example, has set down encouraging directives

for municipalities to provide a certain percentage of affordable housing. Is there a similar policy within the Ministry of Tourism and Recreation to encourage municipalities to work towards having available bed-and-breakfasts?

**Hon. Mr. O'Neil:** Deputy, do you want to touch on that?

**Mr. Keenan:** Our policies would relate more broadly to encouraging municipalities to recognize tourism as an important component of the economy of a town or a city and provide a variety of tourist opportunities, accommodation opportunities that would serve the clients, the tourists that municipalities hope to attract. In terms of a specific targeted policy with respect to bed-and-breakfasts, no; but in terms of an overall policy of support, encouragement with respect to a variety of tourism opportunities, yes.

**Hon. Mr. O'Neil:** I think too that there have been ongoing discussions within a lot of municipalities as to how they should be regulated from a municipal point of view, where they should be allowed and what the criteria are. I think that each of the different municipalities is now dealing with that. From an overall point of view, I can tell you that there are going to be expensive accommodations. We hope there is also going to be accommodation that families can use or that will be on a cheaper scale, that can also offer people travelling from place to place within the province, whether by car, bus or whatever it is, opportunities, as you say, to have modestly priced accommodation.

**Mr. Farnan:** My final question concerns the farm holidays. I think we can see in this a real opportunity for integration and understanding between the rural and urban communities that make up Ontario. I wonder if there is a potential that could be developed to a much greater extent than presently exists, if your ministry were to work with the Ministry of Education to encourage a greater degree of participation in the farm holidays by school groups.

There seem to be a traditional Ottawa trip, a Toronto trip, a New York trip and a Paris trip. I am wondering if indeed we would be developing this idea of sharing the prosperity of tourism with rural Ontario if we were to encourage to a much greater degree than presently exists the concept of schools looking at rural farm holidays.

**Mr. McLean:** There is no holiday on my farm.

1050

**Hon. Mr. O'Neil:** Maybe if you had some of the kids from the city come down to help you, it would help you to have a holiday.



There are people, students, children right across the province who have never had the opportunity to actually be on a farm. I think your suggestion is an excellent one. Whether it is through co-operation with the Ministry of Education or with the Ministry of Agriculture and Food, it is an excellent suggestion. As I say, there are ongoing discussions now, but I think the suggestion is a good one.

Mr. Jackman, who is the Assistant Deputy Minister of Tourism and Recreation, tourism division, is here today. I would ask him to have a look at your comments and see how we might work that. Likely some of our most active programs in the tourism area are trips to Sainte-Marie among the Hurons, Old Fort William in Thunder Bay, Upper Canada Village or Old Fort Henry where we encourage tour groups to come in. Some of them may be just for a few hours for a day; others are where they actually live in for a day or so.

Sure, I think maybe we should be having a look. Maybe we could take school groups to farms in a certain area and give them the experience of living on a farm. Maybe even Mr. McLean would open his up; maybe he would even invite me up there once in a while to show me what it is.

**Mr. McLean:** You are welcome at any time. I would like to expand on that. That was a program that the Ministry of Agriculture and Food had at one time. I had a young lad who had never been on a farm in his life before come to my farm from Toronto. I have to tell you, he did not have a muscle in his arms or anything.

I encouraged him, "You're not going to want to leave all this." By the time he left in September, he could milk cows, he could run machinery. I am sure it was the best experience he ever got in his life and he really did not want to come back to Toronto. It is interesting. The more young people you can get out of the city, when they come back to Toronto they talk all about it. It was an excellent program.

**Hon. Mr. O'Neil:** I have a fellow on my staff by the name of George Smitherman. Maybe I will send him up with you for a couple of months.

**Mr. McLean:** He has a lot of relations there. I know that.

**Hon. Mr. O'Neil:** Let's not get into that.

**Mr. McLean:** With regard to the time, I think what I would like to do is put some questions on the record and you can reply to them later.

**Mr. Chairman:** Mr. Cordiano indicated to me that Mr. Farnan had between 10 and 15

minutes, Mr. McLean, so I think that is a good idea if you have a number of questions.

**Mr. McLean:** Yes, I had some questions that I had previously asked that I do not believe I have seen a reply to and I would just like to make sure about. With regard to the public accounts, the executive compensation plan where we have levels 5, 4, 3 and 2, I believe I had asked the numbers of people in each category, what their salaries are and how many of them there are.

**Hon. Mr. O'Neil:** Would you like us to touch on that now?

**Mr. McLean:** I think what I will do is ask them and then you can answer whatever ones you can. I do not have that many.

The other question I have was with regard to ministry administration. In 1985-86, it was \$1,529,870. The 1988-89 estimates reveal that the ministry office costs have gone up to \$2,303,600, some 50.6 per cent. It is well beyond the rate of inflation, I would think. I am really talking about main office costs. I think the people should know where those costs have come from.

Back in 1985, the standing committee on procedural affairs and agencies, boards and commissions did an investigation into the Metropolitan Toronto Convention Centre. One of their recommendations was that the Ministry of Tourism and Recreation should consider selling the MTCC when it became financially self-sustaining.

I am curious. Is that a goal of the ministry when it does become self-sustaining, that perhaps you will consider selling the convention centre?

**Hon. Mr. O'Neil:** We feel that the Metro Toronto Convention Centre has come a long way over the last number of years. We also feel that it is likely one of the most important places that we have in the province, as far as attracting tourism to Ontario is concerned. I do not mean just tourism to the city of Toronto; if we get the tour groups or the convention groups into the city here, hopefully they will fan out into different parts of the province.

The deputy can correct me if he wishes, but I believe at the present time there are no plans to sell the Metro Toronto Convention Centre. We have a board of directors which runs it, appointed from the public. I believe it is doing an excellent job, likely one of the best jobs that is being done in all of North America in attracting conventions and business to Ontario. At the present time, I would have to say no.

**Mr. McLean:** It was a recommendation that was made by a committee that investigated it and I was just curious. I am chairman of that committee, now the standing committee on government agencies, which does investigate different agencies, boards and commissions.

**Hon. Mr. O'Neil:** It might be related even to the Ottawa Congress Centre. At the present time, as I mentioned here last week, where we have a deficit of about \$400,000, we look at that being removed, so it will also be in a profit position. Of course, there are certain restraints with government as far as funding goes, but both of these centres presently would like to look at and are looking at expansion plans.

**Mr. McLean:** Just to finalize then, there are some other questions I had asked with regard to travelling expenses. I was hoping that I could just pick out a few. Zizman was one that was \$34,545 in travelling costs. I think it would be interesting to have an itemization of one or two of them, just the amount of travel, the amount of accommodation. I think it is good that we are looking at this. It is good for the ministry staff to know that we are questioning and making sure that everything is right.

**Hon. Mr. O'Neil:** I think the deputy touched on this last week. Ron Zizman is the regional director for Thunder Bay. As I say, both in the northeast and northwest, between the travelling that they have to do within the north where there are long distances, and the trips that they have to make to Toronto for different meetings that are going on or things that have to be done, I can tell you that both Ron and our other director are very busy people.

In fact, they were aware that certain names had been mentioned in the estimates. I was up in Thunder Bay with some of our people on the weekend for the Big Thunder World Cup. They were aware that their names were mentioned in estimates, but I can tell you that they would just as soon be in Sudbury or in Thunder Bay. They are very busy people. They do an excellent job there, but it does require a lot of travelling.

I can also tell you that the all of the staff's travel requisitions are watched very closely. But these two in particular, and I think you mentioned one other, are very involved in a lot of travelling.

**Mr. McLean:** I am certainly not criticizing them in any way, shape or form.

**Hon. Mr. O'Neil:** I know you are not.

**Mr. McLean:** I think they all do excellent work, but I think the fact remains that the public

still has a fair right to know that its money is being spent wisely and fairly, which I am sure it is. I just think that it would be good—

**Hon. Mr. O'Neil:** The deputy will respond to that and the other two questions that you had in a minute if we have time.

**Mr. McLean:** Fine. I had a few others with regard to a trophy company, Bennett Trophies Ltd., Beaver Foods Ltd., Ann Ames Design Associates Inc. and Alan Clark Trophies Ltd. If I could just have the breakdown of those four by letter, it would be quite satisfactory to me.

**Hon. Mr. O'Neil:** Deputy, do you want to touch on a couple of those?

**Mr. Keenan:** I can provide Mr. McLean with an answer to three of his questions.

He asked about executive staff and salaries. There are 22 ministry staff who are classified in the executive compensation plan. In ECP 5, which is the highest level of the executive compensation plan, there is one person. The range for that is \$72,650 to \$105,350. In ECP 4, there are five staff and the salary range is \$66,050 to \$95,775. In ECP 3, there are two staff and the salary range is \$60,050 to \$87,050. In ECP 2, there are 14 staff and the salary range for them is \$52,625 to \$76,300.

Mr. McLean asked a question about the increase in ministry administration. I think he is making reference to the planning and administrative services. This is a number of items, one of them being the transfer or repatriation of shared services from the Ministry of Industry, Trade and Technology into the Ministry of Tourism and Recreation. That is really a movement out of one ministry into another.

There are funds for items such as French-language services and freedom of information, to carry forward those programs. There is a major sum of money in there for the establishment of a ministry information system. That is actually the largest item in there; it is in excess of \$1 million. That is basically it, along with normal salary and wage increases.

**1100**

**Hon. Mr. O'Neil:** Could you touch on the financial information services, what we are talking about and what we have done?

**Mr. Keenan:** The financial information system is basically establishing an information technology system, if you will, for the ministry. We have had a consultant look at the needs of the ministry in order to get a system in place, to replace the somewhat ad hoc application of computer systems at the present time. That plan



is currently before Management Board for approval and, as a consequence, significant expenditures have not yet been made in that area.

The third thing, which the minister has already referred to, is Mr. Zizman's travelling expenses. For instance, in those expenses are included 28 trips to Toronto at \$700 each, which right off the bat accounts for about half the cost, two sports shows in the United States and miscellaneous other trips.

Just note that this is the fate of a regional director living in Thunder Bay and the travel time associated with that. Last year, he was on the road 160 days, 129 nights; that is just about every second night that he is on the road somewhere. He administers a very large area, roughly from Marathon to the Manitoba border.

I know you are familiar with other ministries in the same situation. Naturally, you would find high travel expenses for that regional director and his staff, like Mr. Courtney at Kenora, who was one of the others to whom you made reference. His travel includes the far north and, of course, extensive travel in the western part of that region.

Similarly, you would find high expenditures in the northeast, although not quite to the same degree, because in the northwest so much of it has to be done by air, as opposed to the northeast and the rest of Ontario, with a road system that allows, at least in some instances, for economy through road travel.

If there are any others of those you want specific information on, we would be glad to do that. We will certainly respond to you on the specific invoices or accounts you have referenced.

**Mr. McLean:** Thank you. Just to finalize, on the executive levels, there is a process I can go through to get it. What I was asking for were the numbers in level 5: Who they are and what their salary is; also, in levels 4, 3 and 2. You can send me that.

**Mr. Keenan:** I cannot give you that information under the Freedom of Information and Protection of Privacy Act.

**Mr. McLean:** There is a process I can go through to get it. I thought it would be much easier if you just sent me the information. It would save the staff a lot of time doing the research.

**Hon. Mr. O'Neil:** I do not know for sure. Even under freedom of information, will they release what the salaries of individuals are, rather than just give you a range?

**Mr. McLean:** Yes. I can go through the process.

**Mr. Keenan:** I think you have to have the permission of the individuals to release that information. However, Mr. Chairman and Mr. McLean, I will send you whatever information I am allowed to send you. We will put it that way.

**Mr. McLean:** Fine. Thank you very much.

**Hon. Mr. O'Neil:** I would just like to let you know that I am not in the top category.

**Mr. Chairman:** One other committee person has caught my eye. I would like to recognize Mr. Sola.

**Mr. Sola:** I would like to ask a couple of questions of the minister. Mr. O'Neil, recently much has been said about the abuse of drugs in amateur sport. Can you please tell us what your position is and that of your ministry in regard to this problem with Ontario's athletes at this time.

**Hon. Mr. O'Neil:** This has had more prominence over the last few months. I can tell you that it is something our ministry has been looking at for some period of time, even before we had certain revelations that happened over the last couple of months. In fact, we have the health and safety committee which was appointed about two years ago. Part of the recommendations deal with the subject of drug abuse and other matters relating to health. The new committee we have just recently appointed will be looking at that. It will be one of the things they have been directed to look at and examine.

Of course, we continue to work quite closely with the federal people on this matter. We recently attended a meeting of the recreational ministers in Winnipeg, at which this matter was raised. It is of concern to all the ministers in all the provinces and territories right across the country. I know the federal minister, whoever that will be, is hoping to convene a meeting some time in January, and this will be one of the subjects we will be dealing with.

As I mentioned, we recently appointed this advisory committee on sports, fitness, recreation and safety and it is currently reviewing Ken Black's report on illegal drug use and other documents regarding drug abuse in sports. I look forward to the recommendations they will bring forward to us.

Also, I should mention that the deputy and some of the officials from my ministry are fully supportive of the proceedings of the current Dubin inquiry. In fact, the deputy minister and the assistant deputy minister, Mr. Secord, were invited to meet with the associate chief justice prior to the opening of the inquiry, which they

did. I think it shows we are working quite closely with that.

One of the major initiatives of my recently announced safety program is the development of a full-scale public awareness and education program aimed at creating positive attitudes towards safety and promoting win-within-the-rules behaviour in amateur sport. There are a lot of things happening there. As I say, there are things we have been working on for some time now and we hope we will be able to co-operate very closely with all these sports-governing bodies in the province and also with the federal government and come up with suggestions, rules and regulations that will make sure we have drug-free sports competitions in the province.

**Mr. Solà:** In connection with that, when you mentioned athletes and drugs, with the recent drug scandals we discovered that A athletes, even when they become multimillionaires, are still being funded by the amateur sports organizations, and I guess the provincial and federal governments. Could you give us a breakdown of how this funding takes place? How much is provincial? How much is federal?

Second, is there any consideration of stopping the funding once these A athletes become big-name athletes and get big-name sponsors with trust funds in the millions? I think there would be a better distribution of the funds if it were given to the up-and-coming sector rather than to those who have already established themselves and do not really need it.

**Hon. Mr. O'Neil:** Would you like to touch on that again for Mr. Secord?

**Mr. Solà:** If it is too detailed, I can get it in writing.

**Hon. Mr. O'Neil:** Bob, the question was touching on any funding we do of some of these athletes.

1110

**Mr. Solà:** Particularly the A category and the breakdown, what is provincial, what is federal, and also whether there is any consideration of cutting off funding once they become multimillionaires due to the attraction their name has for big-name sponsors.

**Mr. Secord:** Is it our athlete support program we are basically talking about? There is a federal-provincial-territorial agreement. The provinces and territories are responsible for developing the athletes up to what we call a provincial level. That would entitle them to participate in the Canada Games and other national championships. That involves assisting

them with coaching, equipment, facilities and so on.

At that point in our program in Ontario, I think the minister indicated in his opening remarks that we have silver cards and gold cards. What card they get depends on the ranking of the athletes nationally. That assistance varies from athlete to athlete depending on circumstances, whether they are at school, college, university or working. Basically, the assistance average is about \$1,200 to \$1,400 a year per athlete. It is largely to assist them with the training and competitive expenses they incur as high-performance athletes in Ontario.

Once the athletes have been named to the national team, they fall within the jurisdiction of Sport Canada, which is the federal agency responsible for amateur sport. They have three categories. They do them by A cards, B cards and C cards. The A cards are those that are rated one to eight in the world; B cards are rated nine to sixteen; C cards are on the national team, but not internationally rated. It varies slightly for teams, but that is fundamentally what it is.

The maximum they can receive from our award, by the way, is annually directed to the sport association and given by the sport association to the athlete upon assurance that the competition and training expenses are indeed incurred. As far as Sport Canada is concerned, their A card athletes would get \$650 a month. That is the amount eligible to them directly for training, competition and other assistance required to maintain that A card standing.

**Mr. Chairman:** Mr. Faubert has a supplementary. We have only about three or four minutes left, folks.

**Mr. Faubert:** Just quickly, surely when they reach a certain standard, with their own personal wealth, they do not have to be supported by \$650 of taxpayers' money. Do they not cut them off at a particular level?

**Mr. Secord:** They are evaluated annually, of course.

**Mr. Faubert:** One prominent athlete, who for reasons I will not name, said that one of the penalties of the Olympic issue was that they cut off his \$650 a month. Is he receiving that?

**Mr. Secord:** No, not now.

**Mr. Faubert:** Was he receiving that prior to the drug discovery?

**Hon. Mr. O'Neil:** He was receiving that from the federal government, not from us.

**Mr. Faubert:** Not from you then. So your standard is different from theirs.



**Hon. Mr. O'Neil:** In other words, once they become a national athlete under Sport Canada, we do not fund them after that point. We only fund them, as Mr. Secord says, a certain amount per month or per year; and of course we have our best-ever program, where we assist and develop the different sports governing bodies in developing people like this. As far as our paying athletes who are in this category is concerned, that is federal jurisdiction and not ours at all. We are not making any payments to these athletes.

**Mr. Secord:** Just like Brian Orser, who was supported by our program. Once he was named to the national team, figure skating adds another card to Ontario and Brian goes on to be supported by Sport Canada.

**Mr. McLean:** How much in funds do A, B and C receive?

**Mr. Secord:** I am not certain, Mr. McLean. It is being revised. I believe B gets \$450 and C gets \$300. I can get that information to you.

**Mr. Farnan:** I just want to take one moment to say thank you both to the minister and to his staff for the proceedings we have gone through. I appreciate the answers we have received. I look forward to working with the minister and the ministry during the year ahead.

**Mr. McLean:** I would like to echo the comments of the opposition party. It is a pleasure to be part of the estimates. I think they went well. I know the minister will be pleased to know the public is more aware than before of what is taking place, and I think that is good for the ministry.

**Hon. Mr. O'Neil:** If I may, I will just make a comment before we go on to the vote. To all members in all parties, I appreciate the co-operation I have received. I hope we have answered your questions fully, or we will give you the answers you have asked for today. I thank you for your co-operation. I think we are all concerned about the two very important areas we deal with, tourism and recreation, which I feel are very important to the province both economically and health-wise. I thank you for the interest you have shown in the estimates.

**Mr. Chairman:** I propose to call votes 3601, 3602, 3603, 3604 and 3605, all items in each case, in a moment. Before I call the vote, I too, as chairman, would like to thank the minister and his staff and the committee, particularly the two critics. I think we have had a very meaningful eight hours of deliberations here in perusing the estimates of the Ministry of Tourism and Recreation. I appreciate the co-operative attitude.

Votes 3601 to 3605, inclusive, agreed to.

**Mr. Chairman:** Shall the estimates of the Ministry of Tourism and Recreation be reported to the House? Agreed.

This completes consideration of the estimates of the Ministry of Tourism and Recreation. After routine proceedings, we will be on a new ministry.

The committee recessed at 11:18 a.m.

## AFTERNOON SITTING

The committee resumed at 3:38 p.m. in room 228.

### ESTIMATES, MINISTRY OF MUNICIPAL AFFAIRS

**Mr. Chairman:** The chair recognizes a quorum. We begin consideration of the estimates of the Ministry of Municipal Affairs. In this particular ministry, I believe, there are six votes with several items to each. By the standing orders, the procedure that we follow is that the minister makes an opening address, to which the critics from the two opposition parties may respond. Then the minister responds to those two responses. Any deviation from the standing orders must be by consensus of the committee. We can pretty well do anything we want, but I think we will begin by recognizing the minister for his address.

**Hon. Mr. Eakins:** Thank you, Mr. Chairman, for this opportunity to present the estimates of the Ministry of Municipal Affairs for the year ending March 31, 1989.

Before I proceed, I would like to present my parliamentary assistant, Claudio Polsinelli, the member for Yorkview, and some members of my staff who are with me today: My deputy minister, Donald A. Obonsawin, who has been with us for the past year and has had some distinguished service, both federally and provincially, before joining us at Municipal Affairs; assistant deputy minister, Marcia Synowich, who heads the municipal affairs wing of my ministry; assistant deputy minister, Kenneth Whitwell, who recently assumed charge of the community planning wing and was formerly the commissioner of planning of the city of Scarborough; Milt Farrow, special adviser on housing development; Duncan Allan, special adviser to the Premier on the Toronto waterfront development; Elizabeth Patterson, executive director of the Ontario municipal audit bureau, and Larry J. Close, executive co-ordinator of corporate planning and co-ordination.

Over the next few minutes, I will outline to the committee some of the major initiatives taken by my ministry this year, and the general directions of our approach to our responsibilities for the future.

In introducing my staff, I have referred to two broad areas of the ministry's responsibility: municipal affairs and community planning.

In municipal affairs, my ministry's quest remains constant: to make and to keep this province's local government institutions and structures responsible and relevant to the times.

This means, first of all, ensuring that our local governments have a clear mandate from the people whom they represent. It means also that both elected representatives and their electors are clear about the role of local government in the lives of their communities. There is also a parallel need to bring to our local governments all the support we can to help them carry out their responsibilities.

As a means of achieving these objectives, municipal electoral reform has ranked high in our priorities. I believe it is a necessary and obvious method of enhancing accountability and strengthening democratic institutions at the local level.

Bill 29, bringing about changes in the system of representation in Metropolitan Toronto, is a good example of our approach to the task of strengthening the mandate of municipal representatives. The bill was passed a little before the beginning of the fiscal year we are dealing with, but it was a major landmark, setting the pattern for other reform initiatives this year.

Metropolitan Toronto is home to more than two million people, and today it manages a budget of over \$2 billion, dealing with a whole range of issues and services only remotely anticipated at its creation.

As members of the committee will know, there was recurring criticism that Metro Toronto has become an invisible and unknown government; that Metro can no longer afford to have part-time councillors, and that the council itself was not really answerable to its voters as long as its members were not directly elected by the people.

As the committee is aware, an eight-member task force was set up in February 1986, including six representatives from the six constituent municipalities and one from the Metropolitan Toronto administration. It was asked to examine these aspects and to recommend approaches to these various concerns.

The report of the task force and the options it presented were examined closely by those involved in Metro politics, both politicians and their electors, before Bill 29 became law. Our staff worked closely with municipal staff to complete the process of adjustments and all of the necessary changes were in place in time for the municipal elections last month.



In brief, Metro's citizens now have a council with 28 directly elected members, with a chairman to be elected from among them. It is a council now able to deal exclusively with Metro issues and concerns and yet, including in its membership the six mayors of the area municipalities, it also retains the necessary link with area concerns.

The people of Canada's largest municipality now have a government alive to its challenges at the end of the 20th century and equipped to take this great municipal federation into the 21st century.

I will now refer to Bill 77, which was approved by the House on April 11, 1988. It was designed to put in place a new voter enumeration system. This was one of the first electoral reform measures I presented to the House. Its significance will be clear, if we acknowledge that a reliable and up-to-date list of voters is the most important basic tool of a democracy.

Under the previous door-to-door enumeration system, some people had been left off the lists, often because they were not at home when the enumerators called. In other instances, the information that appeared on the list turned out to be incorrect.

We needed a list that would correctly reflect the actual numbers of a municipal electorate. We need a reliable reckoning of voter numbers on the basis of language rights, to determine school board support and board representation.

We will now have that kind of accuracy and certainty, and the new mail-in enumeration system has more than fulfilled our expectations. With the new system, we have achieved a response rate of more than 90 per cent, a figure which was never achieved under the old door-to-door enumeration system.

When I announced in the Legislature almost a year ago my ministry's plans to improve the municipal electoral process in Ontario, my objective was to make the municipal electoral process more open and more accessible; to bring it more in line with the high level of political maturity of our people, their social and economic aspirations and their potential.

Few changes of any significance have been made for many years. Certain aspects of the electoral system needed review. It was for this purpose that an Advisory Committee on Municipal Elections was formed in February 1986. This committee met with a very wide cross-section of the local government community and the public and submitted an interim report which was released in August 1986. The interim report was

itself widely circulated and discussed and, based on the committee's findings at that stage, its final report was released in February 1987.

The committee will recall that I announced my intention to introduce new legislation as early as December 1987. Bill 106, which received royal assent on June 8, reflects the consensus we were able to achieve through this very intensive and extensive process of consultation.

In the November municipal elections held under the new law, municipal candidates were, for the first time ever, able to contest for election under an equitable system of ceilings on campaign spending by individual candidates and ceilings on campaign contributions.

What this means, I strongly believe, is a more open system and a level playing field for all candidates, making it possible for the best men and women to win, depending on their own qualities of leadership, their own past records or the appeal of their platforms.

Bill 106 is also about access: access for quality candidates to opportunities of serving their communities in elected office and access for the community to a larger slate of candidates to choose from. There is also the other aspect of access: access to the electoral process for the older voters, the disabled or the physically challenged and those who are prevented by circumstances from presenting themselves at a poll on election day.

Even though, as I recall, some people were urging us to delay this bill until 1991, I think that in the last few weeks they have come to realize the significance and importance of this legislation.

I would like to turn now to an important undertaking we are still engaged in: county government reform. The county became a unit of local government with the Baldwin act of 1849. But it entered the 20th century after more than 139 years almost unchanged, and we are nearing the threshold of a new century, the 21st century.

The counties themselves are becoming aware of their own potential in areas such as emergency planning, waste management and economic development, and they want to remain relevant to the challenges of our time. They have the capacity to contribute to our society's progress and there are areas which are tailor-made for a role by counties, for instance, as an effective vehicle for a rational and co-ordinated delivery of today's social services.

It was to address these concerns that an advisory committee was formed two years ago with a mandate to examine the current composi-

tion of county councils and their voting systems, a possible role for them in waste management and other services, as well as the relationships between counties and the lower tier.

#### 1550

The committee received and studied more than 120 written submissions and heard 42 presentations by municipal representatives, associations and individuals, and it submitted its report at the end of last year.

The committee's mandate did not include the question of boundaries, the status of the smaller municipalities or the making of specific recommendations about individual counties.

As members of this committee are aware, there are 26 counties in Ontario and, within them, 68 towns, 110 villages, 326 townships and 23 separated municipalities. That is a measure of the diversity of our local government structures within the county system, as well as the wide range of perceptions one is bound to encounter in developing a new strategy for the future.

It is for that reason that I formed a consultation committee early last February to go direct to the county government communities and assess the response to the recommendations of the advisory committee. I asked the consultation committee to recommend a package of reforms based on its findings, which would provide the basis for the reforms which I could then place before the House.

Each of the 26 counties was visited and we have met with almost 800 individuals, including municipal representatives, county councillors and groups with a special interest in county government issues. The many issues that were heard during these contacts are now being analysed, and I expect to receive a comprehensive report before long.

For the present, I would like to stress only this: What we are striving to achieve is a system of county government which can deal with the challenges of a new century, a system that builds on the strengths of the past to grasp the opportunities for the future.

Another area of local government, similar in content to the general study of county government, is the review of specific regional governments.

In May 1986, at the request of the regional government of Haldimand-Norfolk, my ministry announced a review of that government. The review covers the region's economic outlook, the provision of services, the costs and their financing and the questions of regional representation

and accountability. I expect to receive the report of this review early in the new year.

Similarly, we acceded to a request by the regional municipality of Ottawa-Carleton for a review of the existing arrangements for representation, provision of services and finances. That review has now been completed, and I hope to be able to release its findings some time early next year.

We also responded favourably to a similar request by the regional municipality of Niagara, and it is expected that the review will be completed by the end of this year and the report submitted in the spring.

We have now received requests for similar reviews from the regional councils of Halton, Sudbury and Muskoka, and I understand that similar requests from other regional governments are to follow.

But these reviews are expensive undertakings, and we are conscious of the need to make sure that our resource commitments are results-oriented. We have found that the issues involved in the proposed reviews and the reasons adduced for requesting them are largely the same across the board.

I believe, therefore, we would do well to evaluate the results of the reviews already undertaken before proceeding with new requests. We would then be able to apply the directions and the principles already identified, principles which will have common application in all or at least most cases.

The initiatives I have so far referred to relate to the structural aspects of municipal government, but institutions are only as good as the people who constitute them and the people who elect them. Goethe, the great German philosopher, once asked, "What is the best government?" and he gave the answer himself, "That which teaches us to govern ourselves."

My ministry, therefore, places great emphasis on increasing awareness among the communities about the democratic rights as well as the responsibilities that go with them. Local Government Week, which we celebrate annually, is an example of our initiatives in keeping the local government electorates alive and alert to their civic rights and responsibilities.

Another area of the ministry's educational role is a program designed to encourage municipalities to foster education and training opportunities for elected representatives and staff. The municipal education and training program was established to provide financial assistance and a better focus to education and training opportunities for



people working in or interested in a career in local government.

My ministry works on many fronts in dealing with municipal education needs. I would just like to list a few of them: seminars for elected municipal representatives; grants to municipal associations to develop and conduct courses of study and training; in-house training for municipal officials, and training incentive grants to counties and municipalities with populations of under 10,000 which have a written policy for education and training.

I approach the question of adequate training for those involved in municipal government from a very basic belief: local leadership, as much as all leadership today, is more and more a matter of management. It is management of resources, management of goals and, above all, management of change.

That is why we have a municipal education and training secretariat in my ministry, headed by a senior public servant, and why we have created an Ontario municipal education and training advisory council. Composed of experienced local government politicians and staff, as well as academics, the council's role is to help us develop the type of financial assistance toward education and training that will encourage this important activity among our local governments.

At the beginning of my remarks, I referred to the need to do all we can to help our local governments with the resources they need to fulfil their responsibilities. One example I would like to touch upon is Bill 130, the Regional Municipality of Waterloo Statute Law Amendment Act, which became law last May 24. There is a growing consensus among the local government community that a broader-based approach to the updating of property tax assessments within a region for the same class of property would be simpler and more equitable.

More than 500 area municipalities have already opted to adopt a local assessment update, but that alone does not correct inequities in the sharing of tax resources for school and regional purposes. The new legislation will provide a uniform regional assessment base for the region of Waterloo and the county of Huron.

We have addressed a similar issue in another area. As the committee is aware, there are three mining operations at Hemlo in an unorganized area outside the boundaries of the townships of Marathon and Manitouwadge. These two townships are, in effect, dormitory communities of the mining operations, but because the mines are located outside the township boundaries, they

contributed nothing to the cost of municipal services which the growing communities need.

Bill 159, which received royal assent on June 29, 1988, rectifies this anomaly. Developed on the basis of consultations with the two townships, the three mines and the Ontario Mining Association, the legislation will now enable the township municipalities to raise revenue for their services through property taxes from the three mining operations. This was a unique situation. I am glad that our tradition of problem-solving through dialogue has again provided the answer.

The two pieces of legislation I have referred to are examples of specific responses to particular situations. I now refer to an item of more general application: the Municipal Statute Law Amendment Act which became law last June. Its most relevant aspects in the context of the financial health of our local governments relate to municipal taxation and municipal insurance costs.

This legislation provides clear authority for municipalities to self-insure and to join and form reciprocal insurance exchanges. It allows greater freedom to municipalities to enter into long-term insurance arrangements and to finance capital requirements for water and sewage. On the whole, it encourages more effective use of resources.

## 1600

With such initiatives, we seek to reinforce the fiscal strength of Ontario's municipalities, to enable them to take charge of their affairs to the greatest possible extent. But there is no substitute for planned development and planned growth for our communities, and planning is the area of responsibility assigned to the community planning wing of the Ministry of Municipal Affairs.

We approach community planning from many perspectives: preparation of planning legislation, policy and guidelines; administration of the planning process; technical assistance; education in planning and plan administration, and financial assistance.

The committee needs no reminder of the current climate of concern about housing affordability. The proposed policy statement on housing and land use, which my colleague the Minister of Housing (Ms. Hošek) and I jointly released on August 30, 1988, is our response to this concern. Our objective is that at least 25 per cent of all new living space created in the province will be within reach of people in the lower two thirds of the family income range.

Through this policy statement, municipalities will have guidelines to support the government's

objective and, for their part, my staff will work through the review of planning documents and regular liaison with municipalities to promote the government's housing objectives.

Other policy statements have been approved, such as mineral aggregates and floodplain planning. A draft policy statement on food land preservation has been released for comment, and a draft policy statement on wetlands is in preparation and will be released very shortly. Our ongoing review of and experience with the planning legislation has resulted in a number of proposed improvements. These changes were first introduced in the House in the spring of this year.

Within this framework of planning policy and legislation and through sustained monitoring of the municipal planning process, land use planning occurs in Ontario. Although land use planning is carried out primarily at the local level, the province becomes involved where issues transcend municipal boundaries, affect a perceived provincial interest or directly impact a stated provincial policy.

Through delegation of ministerial approval authority, I have given municipalities the opportunity of being more accountable and responsible for local planning matters. I have, however, retained the responsibility for the approval of regional and county plans which set the broader policy context for land use planning in the area.

Direct technical assistance to local governments in their planning initiatives is provided by the community planning advisory branch of the ministry, which has five field offices in the five regions of the province, along with the head office in the ministry itself. The branch provides assistance in the preparation of terms of reference and special studies to resolve local planning issues. The staff also give guidance in the preparation of municipal planning documents such as official plans and zoning bylaws.

Educational initiatives are another approach. Ministry staff organize as well as participate in workshops, seminars and conferences for a wide range of people concerned with planning and plan administration, including municipal councillors and staff. The branch keeps in constant contact with municipalities on their land use planning concerns and maintains liaison with developers and the public on these issues.

In the area of financial assistance for planning initiatives, my ministry has two programs: the community planning grants program and the planning administration grants program. The first assists municipalities in undertaking studies

to resolve community planning issues, and the administration grants assist the administration of planning activities in the north. We strive to encourage municipalities to adopt a planned approach to community improvement.

This year we have added a new dimension to the community development effort. We have co-opted the services of my former assistant deputy minister for community planning as a special adviser on housing development. He has been given a specific mandate to help in finding solutions to housing development problems through direct personal contacts with the regional and area municipalities, as well as the development industry, to deal with planning problems affecting housing development. I am glad to report that the approach is producing worthwhile results.

These are some of the initiatives of my ministry in the field of local government. To sum up, our commitment is to the strengthening of democracy in Ontario through stronger, more accessible and more accountable municipal governments. Our goal is that local communities across the province have the skills and resources for self-reliant growth, that they also have an awareness of their potential as well as of their responsibilities as citizens and elected representatives.

A well-known political commentator once wrote: "In a free society, the state does not administer the affairs of men. It administers justice among men who conduct their own affairs." A healthy and self-reliant structure of local government is the best guarantee of such a society.

**Mr. Chairman:** Thank you, Minister. Before I recognize Mr. Breaugh, the critic of the official opposition, I would just like, for the record, to indicate that the response to the opening address by the minister is under vote 2501. There are a number of votes in the Ministry of Municipal Affairs estimates. By going with vote 2501, the response can be freewheeling. It can be a response to the initial presentation or any part of the estimates. Mr. Breaugh's presentation will be followed by that of Mr. Cousens, the critic from the third party.

**Mr. Breaugh:** If I may make a suggestion before we go too far, because we do have a rather limited number of hours for this, would it be agreeable that we do the leadoffs and the responses this afternoon, and on the next day, which I believe is next Thursday, we can do the remainder of the estimates? If we dealt with it as one vote and then took them concurrently at the



end of the session, it would give us a little more latitude.

I have some colleagues who want to come in to do one particular matter, and rather than try to schedule them at a time—and I do not know when that time would be—as long as we have shared the time equally among the parties, it seems to me we could get as many people on as possible in a short period of time and then hold the votes at the end. Is that an agreeable way to proceed?

**Mr. Chairman:** I think that is an extremely good suggestion. In the other estimates we have done, that is exactly what we have done, because it is pretty hard to specifically direct the questions to the people who are in the room at any one time.

If we get into a situation where we want to talk about a specific issue and need a specific person from the ministry in the room, it would be appreciated by the chair if the critic involved would communicate that to the minister so that individual or group of people could be in attendance for that particular question.

In that particular case, we may agree to time it so that we do not use up too much of the five hours, because the total amount of time we have is five hours. We have to vote at the end of that period of time. At the end of the day, when we adjourn at six o'clock, we will have about half the time used up, with slightly more left to us next day.

**Mr. Breagh:** That would assist me a bit. I want to begin today by noting that there have been a number of changes, in particular around the municipal election process, that have been brought forward rather quickly. Those of us who have advocated those changes had only one objection to it, and that is the timing of it, that there was some difficulty at the local level in responding to changes in legislation that were not finalized until the latter part of the spring session.

We have had some confusion; there is no doubt about that. I guess the most remarkable one is one that not very many of us had anticipated. That is, in the city of Toronto where they were using the wonderfulness of computers once again, apparently the one thing people forgot was: Does the paper match the machine? It did not, and so they are going to have to do it all over again by hand, and that may well be off before the courts as well.

I think there were a number of problems, certainly a number were reported to my office, from individuals who are holding position or seeking position on council, that they were not as aware, for example, as some of the staff of the ministry or clerks in the municipality were, of proposed changes to the legislation.

1610

My reading of the situation now is that everyone seems to be giving everyone else as much latitude as he can. I think most people who have been in politics for a while understand that there are some things that are important and there are some other matters that are not quite as important. If the main principles have been adhered to, you are going to have to overlook some things. I think we will see some of that as the results of the local election campaign wind down.

I would also make the pitch today that many of the changes that were proposed were not really implemented. For example, the concept of providing some kind of rebate for donations to municipal campaigns, which is something that many of us have advocated for some time, was brought forward after the municipalities had struck their budgets. As a practising politician, I would not want to have been the one who went back to the council meeting and said: "We have just said no to the schools and the roads and everything else that we have to say no to. Let's open it up again so that we can provide an amount of money for rebates for political donations."

I think we all understood that was not going to fly. It is my understanding that only two local government agencies took advantage of that, the school board of North York and, for reasons which escape me, the public utilities commission in Oakville. That is not really going to give us much in the way of a working knowledge of whether this is a reasonable function or not. I hope the ministry will work with people at the local level now to see whether, in the next round of getting ready for an election, we can work out some of these bugs in the system and get them ready so that can be put into reality.

The minister mentioned, in particular, that the review of the Ottawa-Carleton situation is completed. I urge him to get on with that. There is no area of local government in Ontario that provides me with as much information, more than I ever would want, about how local government works in its area. I will understate it just a touch to say that there are a lot of problems there, and no one seems to have a good sense of precisely what is wrong with it all, except the general consensus among the public and the electorate is clear that there is something wrong.

That is one area of the province that is struggling as a growth area, as an area that has perhaps some of the greatest, most stable economic factors in the nation. There are a whole lot of folks who are going to be in business for a

long, long time, with upper incomes, moving in and around the nation's capital. There is a lot of industrial growth, certainly a lot of commercial growth in that area. There is a lot of residential realignment going on.

For example, in the city of Ottawa, some of the sections of the community that traditionally have provided places where students live have now become very trendy. Students cannot live in trendy areas where people are into renovations, taking older homes that provided reasonable accommodation for young people while they were going through university and renovating them to become trendy town houses.

Most communities that have undergone something like this do manage to adjust over a period of time, but there is the hard fact that students still need accommodation somewhere. Poor people still need a place to live. As communities go through this kind of changeover period, there are a lot of people who are out in the cold.

For a variety of reasons, I urge you to bring forward whatever is found in that review of the Ottawa-Carleton area to see if we can get on to resolving some of that, because I do know there are a number of people who work very hard to make local government better in that area and they are getting frustrated, not the least of whom are people who are just called taxpayers.

They have looked at their local government change a great deal over the years. It does seem to suffer in the basics of providing reasonable transportation systems, water and sewer treatment plants, things of that nature. It is ironic that in the nation's capital you would encounter places where they cannot even get a water supply system going and treat the sewage properly. So there is that one.

There is one other major area that I anticipate you will continue to work on. I know you have done some things in this area that I approve of and I simply want to encourage you to continue to do a review of local government financing.

I know the minister is aware, as somebody who came out of municipal politics, that when you are sitting on a local council, one of the things that used to drive you nuts is that the government of Ontario could sit down and tell you what you had to do in the way of a financial forecast for a five-year period. They had a great number of demands on your staff and your council to produce information for them, but it never seemed to work very well when you put the shoe on the other foot and you asked them to tell you what the grants would be next year.

I know it has been the practice of this government to make those announcements much earlier than the previous government did, and I applaud you for that, but in many municipalities now there is still an unease that there is going to be a change in the way that the sales taxes, for example, are collected. That is going to have immense ramifications for municipalities and their budgets, and it is going to have the same impact on school boards.

I do not think anybody is staying up late at night yet, but they are aware that there are problems of an immense nature just over the horizon and they would like to get a handle on whether this is going to happen next year. Are we talking about a change in the national sales tax by the next federal budget? Is it going to happen three years from now, two years from now, and how much notice will they have to prepare for that?

For example, in one other related area, many municipalities have developed a system of what are happily called lot levies. They are beside themselves now with the notion that the province of Ontario might impose a second set of lot levies. If you think they are mad, you ought to talk to the developers who still have not gotten over the shock that local governments socked them with a lot levy and they are not really thrilled that the province is now talking about doing the same thing to them again.

These things have immense local ramifications in the financing of any municipality. To be blunt about it, in many of our growth areas, without some form of lot levies to absorb the shock of new housing development, there is no way they can continue to allow the housing to be built. It is not something that anybody particularly wants, but if there were not some financial buffer to absorb the impact of new housing, they could not build the roads, they could not provide the sewer systems. In most of the growth areas in and around Metro, for example, the houses cannot go in until there is a sewer system in the ground to accommodate them.

There are a few areas where they have gone in for large estate lots which, depending on your point of view, are either a really great place to live with a huge lot or, if you are a planner and you have to look at land use, you have to say to yourself: "This is kind of nuts. We are taking good farm land out of operation and what we are getting for it is one luxury house or maybe a little horse farm, but we are certainly not getting housing of the kind that is affordable to 97 per cent of the population."



It becomes a nightmare, after the fact, to try to service those areas. It is one thing to talk about policing a given area of your community where you have the concentration of people that allows you to provide a reasonable response time for police services, fire services or ambulance services, but it is quite another when they are spread out over hell's half acre and you cannot really accommodate that.

The amazing phenomenon that repeats itself again and again is that people move to semirural areas, because they want to be semirural. But the minute they get there, they want a bus service, they want schools for their kids, they want hospitals, libraries, a level of police service and garbage collection, just like they had in the city. I do not know why you would move to the country and demand city services, but they do. That is precisely what they want. One would think if you wanted city services, you would stay in the city, but they do not.

Those of us who grew up in rural Ontario perhaps have a different set of expectations about what local government will do for you, but it has certainly been true in my area where this concept has been tried. There are a number of places I can think of where it has caused some problems.

It certainly does look a little weird, I have to admit, as you drive up Simcoe Street North and you find you are still in the city of Oshawa, but it looks for all the world like country to me. Then you will come across a little subdivision which does not have very many houses but they are huge, and they are sitting cheek by jowl with a village like Raglan, which is in the middle of the city of Oshawa. If this does not sound too coherent, it is another one of the benefits of regional government that people forgot to tell us about, but it creates all kinds of problems. Those are some of the things we have to look at.

#### 1620

There are a couple of other areas I wanted to touch on for starters. We have done a perverse kind of freedom of information law for Ontario. It is so effective that a couple of years after it was passed it is still not operative. We have talked in the law about including municipalities in that, because in the strange way municipal government is structured in Ontario, there are a whole lot of local options about whether or not you can have access to the council chambers while a meeting is in progress.

In a perversion that strikes me again and again, there are public meetings held in private all over Ontario and the public does not have a right to attend unless the council sees fit to have them

attend. There are places in Ontario where virtually all the work of the council is done in private and then confirmed in public; where the public does not have a right to know what is on the agenda for tonight's council meeting; where they are not entitled to see the reports of staff on planning matters, for example. There is a raft of information prepared at public expense and used by publicly elected people, and the only ones who are totally excluded from the process are the public.

To get even more perverse, private sector developers who are talking to the council about building houses in a subdivision or building an industrial mall or building a waste-disposal plant in a rural area very often have access to all this information, and the council does, but the local community does not.

I know there are ongoing staff meetings to try to see that by the time there is the first formal review of the provincial Freedom of Information and Protection of Privacy Act and we bring municipalities in under that act, it will be compatible with provincial legislation. We are aware that not many municipalities have deputy ministers, so there are some language changes required in the act itself.

More pertinent is the simple fact that it still remains the case in Ontario today that much of the public's business is conducted in private, and I think that is wrong. It still is the case today that the public does not have the right, in some instances, even to attend the council meeting where the decision is actually made, and that is not right, either.

It is not appropriate for a council to negotiate a contract with its employees at a council meeting. There is no argument about that. I am not even interested in having councils fire or hire their staff at a public meeting. That is not appropriate, either. It would be silly for a council that is going to expropriate some land for a road to provide some kind of advance notice on how you can balk the local council for some more dollars.

The exclusions come to mind quickly and we know what they are, but basically there is a practice that stinks. It is generally one that goes on until something really goes wrong in a community.

There are some safeguards in here and for some reason some councils seem to feel they can conduct their business in private and it will all be done, locked up and put away before the public finds out about it. Normally what happens, and it usually happens about once or twice a year somewhere in Ontario, is that the decision is

three quarters of the way through council and then someone finds out what the council is up to, and then it really hits the fan, so to speak. I believe there is a lot of work that has to be done in that regard.

Another area that is of some concern to me, and even locally now I am beginning to hear some of the folks, is planning, which is my little personal hobby-horse. It is where my interest in municipal politics lies.

I was in attendance at the Royal York Hotel when the famous speech was made by this minister and the Minister of Housing about a new discussion paper, a provincial planning paper, about the allocation of affordable housing. My problem is that I agree with what you are trying to do, but I cannot figure out just exactly why you chose this route to do it. You announced publicly a discussion paper that was not the policy approved by the provincial cabinet yet. You announced it at a time when you gave to municipal officials across Ontario a clear indication of what you thought you wanted to do. I applaud you for that. I am perplexed as to why you did not do it in a form where you were able to say at that meeting, "Here is the policy paper of the province of Ontario which you will live by for the next little while."

I am told there have been discussions, but again, they have not been public discussions, about how municipalities feel about all this. Most of the people I talked to that day and have talked to since thought it was a nice idea, but they have some pretty legitimate questions about how they finance all of this. Who pays for the roads, the sewers and the mechanics of all the things you need when new housing developments go in.

The early indications are that although this position paper has no real status as being the formal policy of the province of Ontario, it is in fact being implemented. A couple of guys I spoke to in the town of Whitby were quite angry. Apparently some project that had gone through their planning process was rejected by the ministry on the grounds that it did not conform to the new, not-yet-approved policy of the province.

They are confused. They do not object to you having a policy, they think that is great, but tell them what it is. Give it some status, take it through cabinet and publish it, and then they will live by it. They are a little confused that they are charged with the responsibility of planning for that community. They thought they did that. Apparently, they did not do it the way you wanted them to.

So they are beginning to pound the drums that it is fine if they make the local planning decisions, they will do that as they always have. If you want to make the local planning decisions, go to it. It is the old controversy around planning matters. If that is a responsibility of local government, that is the way it ought to be.

The role of the province, as I understand it, under the current Planning Act, is that it is positioned rather nicely to bring forward what are known as policy statements or discussion papers and to give them some status by taking them through cabinet and making municipalities around Ontario aware that there are certain matters that are considered to be provincial in nature, being a little larger than local in scope. I think municipalities will understand that, but they do not like being caught in a catch-22 situation, and many of them feel they are there.

Someone asked me the other day about the current changes that are being proposed to the Planning Act. It is interesting that the Planning Act was up for review and was presented to the assembly in the spring session. Generally, the changes that were proposed were agreeable to everybody.

To my knowledge, there were only two proposals made by the opposition parties; one by me which addressed the question of affordable housing, much like your discussion paper. I heard little soundings that my amendment was basically government policy so there would not be any problem with that. Another one was put forward by, I think, the member for Burlington South (Mr. Jackson), dealing with exclusionary bylaws. I also heard the same little rumbles, as you do on the opposition side, that the government will accept this amendment and will not accept the other one. It was my understanding that both amendments were acceptable to the government and that they were prepared to proceed with it.

The quandary I am in is that that Planning Act has not been seen since. Did it fall off the table? Did you lose your copy of it? We were in the middle of second reading debate on the matter. As we do traditionally, we put forward two amendments. We got the word back from the government side that the amendments were acceptable, but we have not seen the thing since. Did we lose something here in the translation? Is something missing.

**Mr. Polsinelli:** Too many debates.

**Mr. Breaugh:** It is quite possible, but you confuse people when you say, "We want to change the Planning Act, and here are our



changes." Then opposition parties put forward two amendments and you say, "They are okay," and then the process stops. So I would be interested in knowing what happened to it. That would be a start.

Another area that is of some concern to me and that has been brought forward in various forms in various municipalities is the role of those who are known as lobbyists or the role of the development industry and what role they play. As someone who served on a municipal council, as many in this room have, I have to admit, as someone who served on a municipal council, as many in this room have, the role of the developer or the lobbyist for the developer was one of the first lessons you learn on a council. There is always someone who comes before your council who basically makes the pitch for the development industry about a new subdivision or a rezoning application or an official plan amendment. It never struck me as odd. It always struck me as being quite reasonable that someone would come forward, usually a lawyer, and represent a development firm or somebody from the private sector who needed a change in your official plan, a zoning bylaw change, but had something to do with building houses or commercial or industrial plazas or whatever.

1630

That part of it did not seem strange to me, but as I sat there a bit longer, it did become strange to me that these people were for ever in and around the council chambers; in some places they are not quite as obvious as I hear it is at the city of Toronto, where they kind of hang out in the council chambers lobby and flash directions to people who are on the council—they may not get quite the reception now that they got last spring—but in other communities as well the question has been raised, I guess in a more flamboyant way in the region of York. What is the relationship between the development industry and the principal players in that and your local council? Who finances the local council campaign? What is the relationship between the development industry and its representatives and the local staff?

The problem is simply this: This has become a relatively in-house sport. I do not think the population at large really knows who are the big movers and shakers in the local development industry; I doubt they could identify them if they walked in their front door. But the people on the council surely do and so do the planning staff, the public works staff and almost everybody else who has anything to do with the planning and

approvals process for almost any kind of development.

I think there is a need now to try to take a look at that to see if we can find a way that, in the first instance, identifies who these people are. For example, the mayor of Whitby in the middle of a hot election campaign talked about a code of conduct for the council. It is interesting that just after the election happened this was decided to be an impractical thing. I do not know whether we want a code of conduct for councils or a code of conduct for staff, but I am trying to put forward a clear message that there is a problem here that has to be identified and some new guidelines have to be put in place.

A conflict-of-interest law for municipal councils is one option, but I always feel we are in big trouble whenever we try to write laws which govern human behaviour, particularly when we try to write a law which says you have to be honest, because it seems to me that as soon as we write the law that says you have to be honest, someone out there will find a way around this law. The honest people will try to follow the law and the dishonest people somehow have an inclination not to bother with laws anyway. I think there is some difficulty there.

I know the minister has resisted the idea of a public inquiry into, for example, all of the things that happened in York region. How to phrase this delicately? You are going to do this. You will not like it, but it is going to happen and it will probably happen now because this process will get repeated elsewhere. It surely will.

At some point in time you will have to have some public review of the relationship between developers and local councils, developers and staff, the rate of development, who gets their developments approved and how quickly, because this same problem does not exist just in the region of York. This same problem exists in any part of the province where there is a demand for development, where there is a huge demand for things such as housing, where there is raw land available and where there is a development industry which wants to make a buck.

If somebody can find for me a development industry in any part of Ontario which does not want to make a buck, I would be real interested in seeing that. The people I know who are in that industry will go anywhere in Ontario where they can get their hands on the land and make a quick buck.

They are not all evil people, by a long shot, but they are business people. Their job is to make money for their companies. It is not their job to

see it is a well-planned community. A lot of them do not live in that community. A lot of them do not even know where it is. These days, a lot of them are just numbered companies from some other nation in the world and they are in Ontario because it is a good investment. They probably have never seen the land they bought, nor ever will, and do not care about that community. It is all handled by third-party interests.

I think we have a problem here. It manifested itself in York region over the spring and summer of this year. I do not think it is resolved there by a long shot. I have heard a great deal about how there are police investigations under way. Yes, there are, and boy, they have been under way for two or three years now. The problem is we are not necessarily talking about criminal acts here. If we were, it would be a simple matter.

One of the difficulties I see with the police investigation into things of this nature is that police officers are not trained to do this kind of work. They are trained to look at the Criminal Code and gather up evidence that can be readily obtained or got by scientific means and put together in a shape and form by which criminal charges can be laid. Then it goes off to a court where a judge makes the decision.

The problem with this kind of stuff is that it does not lend itself to that very neatly at all. It is a matter of who talked to whom. It is a matter of going through literally thousands of pages of information to find one little piece of information that a police officer perhaps has never seen before in his life.

We have similar problems, for example, when we talk to a police officer about enforcing something like the Landlord and Tenant Act. The first thing he says is: "I don't know the Landlord and Tenant Act. They never taught me that in police college. I don't belong in that kind of an argument. I'm not trained in gathering up that kind of evidence. Don't come to me with this kind of problem." Police officers are skilled investigators in certain types of investigations; this, unfortunately, is not one of them.

I know they can work for the rest of their lives trying to gather information on what happened in York region and never get it. It is not that kind of an investigation that is required. We are going to have to do that some day in Ontario. You can resist it now. You have successfully got yourself over the hump of the last election, and some of the people who were accused of certain things lost the election. They are going to go to court and sue the newspaper. All that will happen, but

we still will not know whether things were right or wrong in York region. That is a problem.

I am just trying to serve a little notice to you that sooner or later you are going to have a public inquiry into that relationship. It probably will not be in York region now, but it will be somewhere in Ontario. I do not think there is any way you can avoid it. If you had your act together, I think basically what you would be doing is planning the circumstances now under which such a public inquiry would be held and not wait until the next disaster breaks out, as it surely will.

I have a number of other things I want to raise as we go through these estimates, but I think I will leave off here because I am mindful that we are in a kind of time agreement here and I would like us to get these leadoffs concluded today.

Let me just say finally that I agree with most of what the ministry has tried to do in the last year or so. My only arguments have been in terms of changing the legislation for election timing. I think that is a problem that now can be resolved. We will simply live with the consequences of introducing changes to the electoral process shortly before an election. I think the larger questions are probably going to fall around financing and that whole range of problems, around the structure of local government in different places in Ontario and around planning. I would be interested in your response to those things.

**Mr. Chairman:** In recognizing the critic for the third party, Mr. Cousens, I note that both presentations have been approximately 30 minutes in length. I might draw that to your attention at the outset in view of what Mr. Breaugh said. If you people share the time nicely among yourselves, it makes it a lot easier for the chairperson.

1640

**Mr. Cousens:** Thank you very much. I appreciate the tightness of time and the fact that you got started and continued without my being here. It was the York region inaugural today and Eldred King was reinstated as chairman. It was an acclamation and a pretty interesting group that we saw put into office through the elections of November 14. It was an important event in the region of York and the two Liberal MPPs were there. The member for Durham-York (Mr. Ballinger) arrived late, wondering why Highway 404 was not finished all the way up to Newmarket. I do not think he knew about that.

**Mr. Faubert:** He was waiting for Highway 407.

**Mr. Cousens:** Maybe he tried it by a side route. The member for York North (Mr. Beer) was there as well, along with myself.



It is an important process that the estimates be held. I appreciate having the opportunity to participate in this with the Minister of Municipal Affairs (Mr. Eakins) and his staff. I happen to know and respect the fact that as in so many other ministries in this government, the minister is supported and assisted so ably by competent and dedicated servants of the people.

By not being here early, I am not just sure who some of these people are. They are the deputy minister, Donald Obonsawin, the assistant deputy minister, Marcia Sypnowich—I want to get it so that I know who is where—and the assistant deputy minister, Kenneth John Whitwell.

**Mr. Faubert:** He is from Scarborough.

**Mr. Cousens:** Is he really? No wonder he looks so successful, I tell you.

I happen to know the special adviser who is given special mention inside. I hope you are paying him accordingly since he is working so hard. I mention Milt Farrow—I know Milt; Duncan Allan—I also know Dunc; Elizabeth Patterson, executive director of the Ontario municipal audit bureau. The other person to compliment is your parliamentary assistant, the member for Yorkview (Mr. Polsinelli). I know he is a hardworking, conscientious person who is pleased to at least to get his name on the record twice today.

**Mr. Chairman:** To finalize the list, you missed one at the top of page 2.

**Mr. Cousens:** Larry Close is executive co-ordinator of corporate planning and co-ordination. Where is Mr. Close?

**Mr. Chairman:** Mr. Close is right here.

**Mr. Cousens:** That is good. That helps me. I want to commend the staff. I do not think it is an easy job when you have to support a Liberal government, but also any government, because at that point you have to respond to the needs of those who develop the policy and you have to implement it. I certainly want to go on record on behalf of the Progressive Conservative caucus that we respect the work the bureaucracy and the system is doing.

Sometimes we have enthusiasm to make the minister more mindful of our concerns. I hope that in so doing we are not at any time casting aspersions on you or your staff. There will be occasions, but I think it is not for you to be publicly held up. I have not had occasion within this ministry to even have thought of a time when I would want to go after someone else. I also want to go on record that the minister is a very respectable and responsible gentleman.

Unfortunately, we are not on the same side of the fence and do not agree on all things. I want to set the context. I think the public at large has no understanding—I am sorry, Mr. Chairman, there is a conversation going on elsewhere and I will wait. I was quiet for—

**Mr. Fleet:** We would like you to say these things in front of the television cameras.

**Mr. Cousens:** All right. It is in Hansard, and I would be willing to say it anywhere. I think it is worth while. There has to be some balance. Now I will soon go off the other side.

**Mr. Fleet:** We knew we would see the good old Don yet.

**Mr. Cousens:** Ah, David. I wanted to say it because this whole system is only as good as you and we make it. I genuinely feel that and I know that is the feeling of the member for Sarnia (Mr. Brandt), our leader, as well.

In going through the remarks of the minister, I had a chance to peruse them quickly. I would like to touch on a few pages where I had some concerns about his presentation. He said on page 13, "We have now received requests for similar reviews...from other regional governments."

I know for a fact you also received a request from York region. I have a copy of the letter they sent to your ministry, copied to the Premier (Mr. Peterson) and copied to the MPPs in York region, requesting some kind of review of the York regional system. It was over a year ago, before the exposure of certain things in the *Globe and Mail*.

As a result of that, I want to go on record here again that York region was among those that asked to have someone come along and help it in interpreting the needs it has as a growing region. What has happened now is that the media have come in and said, "This and this is wrong." So many people have been attacked and criticized, and I think maligned wrongly.

I happen to agree with the member for Oshawa (Mr. Breaugh) on the point that so much of what is going on through a police investigation could well be handled in a rather open review of the system and that we are not necessarily talking about people who have broken the law. It is the system that needs to be modified and updated to somehow reflect the needs of a growing region. That is what is happening, I suppose, in some of the other areas, but I particularly would like to have seen something happen in York region in that respect.

On page 16, you talk about the training involving municipal government. I continue to be impressed by people who serve in government

at all levels in this country, in this province and certainly in my region. I am also impressed at the way the public can use the democratic system to select the people they want to serve them. It is an amazing process. A person comes up in the first term of office and gets kicked out; you wonder why the public has caught on to him. There are those who are re-elected and have been there for a continued time—there are a number of people today at York region—and you know why they are there; it is because they are committed to serving the people of the region and have that sense.

To me, the fact you are helping them to develop themselves and to improve that process, as you indicate on page 16, is a very positive step forward and a good project to continue, one that was started under an earlier government.

When I think of the community planning aspect, there were a number of things that stood out. I may come back to them later in the time I am allowed.

The 25 per cent factor to meet the needs of low-income people in the lower two-thirds range is just not working and is not understood. Maybe you will need 10 more Milt Farrows to really make it go or pay him 10 times more. Milt, I do not know.

That is a real problem and I do not think the government really understands just how my community and many others are misinterpreting what your intentions are there, how you are going to implement it and what the long-term impact is going to be. I do not think there is anyone in the House or on this committee who does not want to make sure that we do what is responsible and right to meet the needs of low-income families in providing affordable accommodation. We have that responsibility as citizens of this province.

Somehow or other, I am concerned that you have come out with what is rather an easy statement to make, but is not necessarily a solution that is going to work.

As we look to the future, there are a number of issues I am concerned about and I would like to just touch on them briefly. I hope there will be a chance for the minister to comment on some of these things and that is why I think we have structured this part of the session in this way.

With regard to the whole business of transfer payments—our honourable friend the Treasurer (Mr. R. F. Nixon) admitted in a speech in 1973 that he was no economist, yet now here he is, Minister of Economics—the Treasurer is coming out with strong statements that municipalities can expect less money from the province. He tells regional representatives that. It really makes you

wonder what is going to happen with the transfer payments. When will they be announced? I thought they might have been announced by now. I was not in the House today. They were not announced today, I guess; no.

When will they be announced and will they be reflective of the rate of increase in provincial revenues? I know the Association of Municipalities of Ontario would like to have it reflective of the increase in provincial revenues of 11.8 per cent. That is what they have asked for, but I am asking another question, just what kind of announcement is going to be made?

The bottom line is, are you going to be able to help those communities that need help? There are growing communities in York, Durham and Peel that have special needs, as well as Kitchener and Ottawa. On a per capita basis, are you going to have a fair system or is there going to be a built-in inequity that comes into it? When, what and how are you going to be handling the transfer payments?

**1650**

In the whole business of municipal affairs, a number of things have happened. I guess we have some concerns about the whole voter identification system. You have the business of the regional government reviews that are going on for three municipalities. There has been no word on the results of that.

The Ottawa-Carleton study was projected to be done by the end of this year, as I recall. In fact, I was just reviewing a copy of the minister's press release on that when he went and appointed David Bartlett as the person who was going to do this report. He made this announcement on February 23, 1988. The minister said this was to be "completed by the end of the year." I assume that meant 1988. I will be interested to know if the minister has any comments on that Ottawa-Carleton study.

I do not think we need to get into the details of it here, but I want you to know we are watching to see what is happening with it, and what enabling legislation will be tabled that might begin to reflect some of the concerns that come out of that.

I hope the minister is going to try to be of somewhat more assistance to those of us who want to review the legislation before it is into second reading in the House, so that there is some time, not only for ourselves but also others who are interested in the effect of that legislation, to review it and come back with some recommendations. I think it is very important that with any



kind of legislation or changes, you get on with it soon so we know what your agenda is.

I noticed also that some pages are missing relating to notes 3 to 8 on pages 33 to 75. Were they handed out this afternoon? I repeat that, on notes 3 to 8 on pages 33 to 75; at least they are not in my book. Perhaps someone could look for that.

On community planning, I really was quite excited about getting into the Planning Act. We were just beginning to have some good discussions in the Legislature a while back.

Is this what was handed out today? I have not had a chance to put it together.

When does the minister plan to bring Bill 128 back in the House? We have had the beginning of some debate on it for second reading. Why would you not get on with it? What happened to it? I think the municipalities have indicated a strong interest in seeing it passed. You started well. Maybe that is like the whole Peterson government which started well, back when it took over, with the big public relations and the image building, and since then it has been notching downwards very quickly.

Is that the same way you want to be looked upon with Bill 128? It has so many important ramifications to the planning process. Let's face it: It is an important act. You started it, but it has not been dealt with. You are certainly not going to get it in before Christmas, unless we stay here over Christmas and not all of us are in favour of that idea, having done it last year.

**Mr. Faubert:** You were last year.

**Mr. Cousens:** I was last year but my family would not take it two years in a row, I will tell you.

On the whole business of the housing and land use policy statement, when will this receive cabinet approval? I assume you are still committed to doing something about this housing policy statement. What has been your feeling of the reaction of the public at large and the municipalities to your statement on housing that is going to fit into the policy of what is Bill 128?

Only a couple of really good policy statements have ever been put together, one for aggregate and one for farming. Beyond that, there really have not been an awful lot of them. Are you making an effort to do something like that for housing? If so, I think it really gives us something to put our thinking caps on and do some work about.

I am also very interested in learning more about the waterfront development. I am surprised that the minister did not mention it in his opening

statement. I guess there is a message in that. I would like to know the status of the special adviser to the Premier on the Toronto waterfront development. He is here in the room and, obviously, he is part of the presentation that is coming in from your ministry, so I would be interested in knowing what the status is of those activities, where they are at, what is it that you can table. Maybe there are some piles of paper that are being trucked into your office and you could give us just a few of the summary statements so we can understand.

I know this is something that is a Toronto-based consideration. I am wondering whose jurisdiction this really is. I happen to feel the province has an awful lot of jurisdiction when you start looking at what is going to happen around the waterfront in Toronto, where you can have some legislative authority to do what is required. Yet I sense a tremendous amount of competition as to who is going to be in charge and who is going to do what or when. I think we all know why. I would be interested in getting a very good update on that aspect.

In the estimates papers there is a comment. Maybe you can get to it later, if you have time, in your comments, Minister. I would like to know what you mean on page 142, if one of your staff people could find out, by "public infrastructure investments." I am interested in how that can be impacted by support from the province. What it really boils down to is: What are we going to do about Toronto's waterfront, who is going to take the leadership for it and who is going to really begin to set it right? I am one of those who is really concerned about the way it has gone. I am not thrilled at the way things are there now. It is not really built for the public and it is going to be very hard to rectify what has happened with the waterfront.

It is rather a tragic scene when you think that the Toronto Harbour Commissioners building itself, which is right down at the front and looks across, used to be where the boats would dock and now all that fill has gone out. Maybe we need a little bit more fill out in front of those that are there now so we can actually have room for the public to come and use it. I am not saying that for the rest of the people to pick me up and, "Ah, we want to have another dumping in Toronto." There has to be planning around the waterfront and there has to be co-ordination of those plans.

**Mr. Breagh:** A landfill site.

**Mr. Cousens:** We got it, so we can all flow it over somewhere else. No, far from it.

Toronto is such a beautiful gem of a city, it is one of the great world-class cities, and we have a responsibility to make sure that we in Ontario are giving the right kind of leadership to make sure that waterfront is protected, that it is public property. Yet I know the problem must be great when you have someone like Duncan Allan working on it full-time, but you also have federal, municipal and city. Who is really going to do something about it?

In regard to municipal election reform, I have some of the same kinds of questions that my friend Mr. Breaugh raised earlier. In the whole Metro and Toronto area the elections have raised a number of questions which I would not mind hearing the minister comment on without the stress of the TV cameras. What is your view concerning the reports today that the recounts under way are illegal because they are not officially approved by council? Is there any worry in your mind at all? There is in other people's.

Would you request the documentation regarding your ministry's involvement? What is your ministry's involvement in the whole Metro Toronto thing? Is there any way in which you can see yourself coming to the rescue of what is becoming a very bad situation? The other day I gave you a chance to give some leadership in the House. Maybe you have had a chance to rethink that and can come forward with some ways in which you can be involved.

#### 1700

You are going to have a chance now. You have three years. I hope you will not do it in the last six months before the next municipal election, but any consideration given to expanding the voting hours for municipal elections—there is still a chance between now and the next election to gather some ideas. Maybe they could be expanded. I think they could be.

Certainly for those of us who commute out of the city and then come back in, it makes it very difficult. You have the same thing out your way. So many come into Toronto. You cannot go at the beginning of the day and at the end you are back in and you are caught because the Minister of Transportation (Mr. Fulton) has not built the highways to get you back out there or the GO Transit train breaks down. Who knows?

What takes priority? A question also for the minister: What takes priority in the recount procedure? The computer or a manual recount? Has that been resolved? There is also the concern about spoiled and duplicated ballots. Who has the ultimate interpretative powers on spoiled or

duplicated ballots, the clerk or the judicial officer?

There are some real problems around the Election Finances Act. My colleague the member for Carleton (Mr. Sterling), has a copy of the letter that was sent to the minister. I would support a quick review of that one, even in the House, if there is still time. To quote my colleague and friend the member for Carleton, he said: "It is our understanding that the municipal election campaign period, and thus the time when a candidate can accept election fund contributions, ends the day after nomination day if a candidate is acclaimed, whereas all other candidates enjoy a campaign period up until March 31 of the following year."

The situation affects one of his constituents who was acclaimed and who had put out all the money for his campaign and yet was not able to recover that by virtue of the way the act is written. I would like to hear you comment on it. It certainly prevents this candidate and others from accepting any donations following that day to defray campaign expenses.

Who knows? They might have intimidated the other people and kept them from running. It costs them a bit to do it, and now they cannot get their money back. That is not fair and not right. It is something we are in the middle of trying to do something about. What could you do about it? What will you do about it? Maybe that is the best way, Minister.

Lot levies are a subject I could spend an awful lot of time on. Recent indications show that municipalities have just all kinds of plans for lot levies. I do not know what control you have got in mind and whether you are even planning to have a few extras of your own. That is the sense I am getting, that there might be a new special levy that is brought out by the minister who is going to take off a little bit more money from those people who are trying to buy a new home.

What are your intentions around lot levies? Do you have any? Have you thought about it? Have you any view? Are you concerned about it? On the one hand, you have the school boards craving, starving; they are just dying for more money. As a trustee when I was chairman of our school board in York region, I supported that. We came down and tried to get it from some of your predecessors and we did not win it then. What are your plans now, and is there going to be any way in which you have some limits or controls or reviews that are going into effect? Are they in place right now?



**Mr. Faubert:** Don't ask me, I am not the minister.

**Mr. Cousens:** You know so much. When I heard you speaking in French yesterday—the fact that it was grade three and a half; it sounded at least higher.

**Mr. Faubert:** Merci beaucoup.

**Mr. Cousens:** I have new respect for my friend Mr. Faubert.

I can touch on a few other things. I know I have got a little bit more specific in what are supposed to be general remarks. I believe there is a tremendous amount to be done within this ministry. It does start at the top and it starts with the sense of saying, "Hey, we've got important things to do." To me, there are opportunities here to show leadership and to show you are able to respond to what the communities are asking for and what the municipalities are requiring.

I think you have a chance—I do not think you have lost it yet, Minister—on the whole problem in York region. I think there is still time for your ministry to come out and help. I appreciated, again, how Mr. Breaugh said it was not just a York region problem. I do not think it is; I think it is a problem of growing regions.

We have to get to the root of the problem, which has to do with the system. There are changes that need to be brought in on how the sewer allocations are given out, how land use has changed from agricultural or is zoned agricultural and then brought up to a different level. Some of the miracles that have gone on, that have made people very wealthy or brought certain places on very quickly, such as the 1,000 acres in Richmond Hill, are open to review. I think a great deal is to be gained through a public inquiry, absolutely.

There are three, four or five reasons to do it. One is that with the police investigation, you never really know what they find; it is really in the drawer. You never know how long it is going to take either. That is why no one has really gone after this minister or the Premier, saying, "How long before it is going to be done?" They have a process to follow through and it often takes longer than anyone can really understand.

They are also working within existing guidelines and laws and therefore are not able to jump out of that and say, "Here is what needs to be modified to make the system work more effectively." They also do not understand the detail. After they have done the study, they begin to know what it is all about. Again, I think Mr. Breaugh touched on that point very eloquently.

What has happened is that so many people have been maligned. I think many, I do not want to say all of them, but I am sure the greatest majority of them are competent, capable, conscientious people who are doing a job that is in the best interests of all the people of York and the province. Yet the public confidence in the system is shattered. By virtue of the fact that I live up there—I am the only one in this room, I guess, unless some of the staffers live there—there is not a day when I am out that someone does not raise the question. I have letters and phone calls.

People are really, really upset; not just the public at large but the people who are involved within the bureaucracies of the various municipalities in the region, where their names have been in print or their positions have been criticized. They have not had a chance to clear the air on it.

I believe something good could happen out of a public inquiry. It could come out with recommendations that have systemic changes come about. That is the kind of leadership I am asking for, and it is one example where I think the province has failed to do that.

I was around when we saw a few inquiries. There was a land flip, and then there was another one with a financial institution and another one with a hospital. Government has never been known to jump quickly into those inquiries. Maybe you have enough time now to stop and consider and rethink the position the government has and do something about it.

These are a few thoughts, and I hope there will be a chance now for the minister to give some response.

**Mr. Chairman:** The chair recognizes the minister now for a response to the two responses. The minister has indicated to me that some of the questions and concerns were very pointed and it might be efficient, from a time point of view, to defer those until the beginning of next day when the appropriate official or the minister would reply to that kind of question. I will turn the floor over to the minister now and he can use the next period of time as he sees fit.

**Hon. Mr. Eakins:** I want to say at the outset how much I appreciate the comments of my two critics in the New Democratic Party and the Conservative Party. I have sat for a number of years both in opposition, as you are sitting, and now in government, and I appreciate the comments you have made because they have been constructive and very positive. I have taken a few notes; I have not taken them all, but the issue and the concerns you have raised are of

great importance to me. I associate myself with many of the things you have said.

I would like to be able to respond more fully to them, perhaps very quickly at the next sitting that we have, because I think they deserve a better response than just an off-the-cuff comment that I might make now. I think they all go to the heart of providing a more credible level of municipal government, both from the municipal standpoint as a municipal councillor and as a government.

#### 1710

The member for Oshawa has raised some very important areas of finance structure, which I think are very important. That is what I have been trying to do in the first number of months. I would like to talk about that. I think some of your criticism is fair when you say that we have been trying to move quickly to do something. I guess we could have left it and done it later, but I would like to comment on that.

The comments that the member for Oshawa has made are excellent, as are the comments of the member for Markham (Mr. Cousens). I would like to respond a little more fully, though not at too great length, of course, at the next sitting that we have.

I want to make a suggestion, but I am in your hands; it is your time. We have with us today, if you wish, a short presentation on the Ontario municipal audit bureau, which was established in February 1986, in view of the auditor's report which has come out. Subject to your correction, this is a new system we have in place in which municipalities are audited by one branch, rather than an auditor from each ministry going into a municipality. If you are interested in hearing a 10-minute presentation on that, I would be pleased to have one of our people present that to you.

Second, since you both have an interest in the waterfront, Duncan Allan is here today. If you wish to have him appear and talk about the waterfront, he would be pleased to do so. I did not include the waterfront in my remarks because Mr. Allan reports to the Premier, although I guess we supply the funding. If you want to question Mr. Allan on that, it is in your hands. Both items are. I just wondered if you wanted to hear about the municipal audit bureau. I will leave it to you. It does not matter to me.

**Mr. Chairman:** We have 45 minutes. We can either proceed as has been suggested or we could go into rotation and pick up with the rebuttal to the specific questions at the beginning of next day. What is your pleasure?

**Mr. Breaugh:** Could I make a suggestion? I have an interest not just in the Toronto waterfront, but I know that many municipalities around Ontario have a similar kind of problem. It stems from the fact that there are very often two or three levels of government sticking their ugly fingers into the pie, none of whom want to pay for anything and all of whom want to control everything. So the development of the waterfront of anybody's municipality is a real problem.

It might be useful to take a little bit of time, since Mr. Allan is here today, to go over some of our concerns about that. I am interested in the municipal audit program, but I would give a little higher priority to the waterfront.

**Hon. Mr. Eakins:** That is fine.

**Mr. Cousens:** I do not want to do that. I would rather just deal with the waterfront and if there is a written report on the audit, that would be helpful.

**Hon. Mr. Eakins:** I just thought you might want to know. This is a new bureau and you can take a look at it or otherwise, whatever you wish.

**Mr. Chairman:** I have found in the past that my interjecting and your coming through the chair slows everything down, so that while we are talking on this one topic, I would like the questions to be directed right to Mr. Allan and I will treat them all as supplementaries. If things get out of hand, I will interject.

**Mr. Breaugh:** They will get out of hand. Duncan Allan never appears without it getting out of hand. Can I start? Frankly, I am interested, very much so, and the Toronto waterfront is a good example. There are lots of big fish who have their noses right snug against the harbourfront. The federal government has a very distinguished Canadian citizen, David Crombie, who is doing something.

The Premier has something going on down there. We are not quite sure what. The Toronto Harbour Commissioners are there. The city of Toronto is there. A conservation authority is there. I have not heard of the navy being particularly active but it is there too. Everybody gathers around the harbourfront. Could you maybe start by giving us a little bit of an update as to just exactly what you are doing there?

**Mr. Allan:** Yes, I am happy to do that. Essentially, I came at it with that same kind of sense. There are 33 agencies and four governments. If you take the east Scarborough boundary and the west Etobicoke boundary, which is kind of a quick, rough and ready line, and then run along the Gardiner across Lakeshore and out



Lawrence East to the Rouge, that is not a big territory—it is a fairly narrow band—but there may be as much as \$40 billion of gestation and juice in that very narrow band, along that line. That is what creates the both the problem and the opportunity.

There are long, historic kind of turf occupants—molluscs or whatever you want to call them. The harbour commission is one of them. They have been there for many years.

**Mr. Breagh:** “Harbour Commission Called Mollusc.” Write this down. This is classic Duncan Allan stuff.

**Mr. Allan:** But the world is changing. They have 1,100 acres and we have no more shipping than we had 35 years ago. We have a lot of land. Consumers’ Gas and Ontario Hydro really were the purpose for building most of that industrial land. It was put there, big energy plants and oil tank farms and things like that, to service this area, all of which is undergoing rapid transition, change and basically atrophying into nothing or very limited use. There is an opportunity, and there are many people who are hanging on by their toenails to an old mandate that does not have any relevance. All governments create ways of holding on to turf.

The province, and I am there, I guess, as kind of eyes and ears of the Premier and the cabinet, has a lot at stake. We own some land, we own some significant pieces of land. We have a planning responsibility. If it all goes bad, somebody a generation from now is going to write those documents to say, “Why didn’t you do something?” We have a fiscal role which is pretty important.

We not only have to pay a lot of the bills, but we tend to pay most of the costs of fixing it up when it goes bad, along with Metro. That is why we are there, because we have the same concern that both you and the member for Markham exhibited, that there is a lot of development that seems to be ad hoc. The spillovers and the cumulative impacts do not seem to be recognized and the public objectives are not clear and in the forefront, whether it is being able to walk or having a Martin Goodman trail that you can actually navigate or a full spectrum of income groups having equal accessibility and so on.

That is the problem and a lot of the things that you might criticize that have happened gradually probably have happened because we have allowed, in one form or another, public lands to come into private ownership and then be developed. Most of the things that people might criticize as having gone wrong have that root

origin to them. There is nothing wrong with having private developers move into public lands and make something happen as long as the public objectives do not get washed out the drain when it does happen.

So Crombie will move in, and we are very pleased. We are working very closely. There will be public hearings, there will be an attempt to build consensus across all those lines, and all those competing ideologies even. It is not just competing turf; there are different ideologies about what it should be like for the next generation. That will come out in the wash and there will be more open debate about the future, because that is what we are talking about, what is an appropriate vision for a great city on its waterfront that adds to the hinterland and supports the upper Rouge.

To be very frank, in the environmental sense alone it would not matter a damn what we did on the waterfront, if all of the river basins are not sufficiently pristine or we are not at least taking the kind of sewer separations and other care that is essential then we are never going to be swimming from the beaches 20 years from now no matter what we build there.

**1720**

We have those concerns. Mr. Crombie, as royal commissioner, is a spearhead or a focal point for the four governments. The Premier formally passed the torch to David Crombie to lead this attempt at building consensus.

One of my jobs is to try to keep track of all the different ministries. We have eight or ten ministries, each with its own emanations, that get involved. We have water lots, the conservation authority, transportation and GO stations. All of the ministries, one way or another, when there is a lot of activity or there is a strong demand curve for growth or redevelopment, get involved.

I am trying to cut across the bureaucratic lines and focus on the implants, where the province can make a difference, either to stop something or shape something or put our concerted voice into the equation. Initially this has to do with trying to stop things, which is not my natural instinct: but to stop things in the sense of having a discrete period to weigh it more properly and think about what should happen, and how those things connect up and how people will move. There is an enormous physical problem of pedestrian access, of commuter support.

You guys take the GO Transit; I am very deeply involved in trying to see if Union Station and that corridor, which is absolutely key to expanded service in the northern runs and east

and west, cannot be done better. I mean the railways do not have have a natural interest any more. They are out of that business and the province, frankly, is taking a look at buying it, which is kind of a different position. I do not know whether that will proceed, but we know there is a problem there and a public need to put twice as many people through efficiently and to accommodate competing needs, including pedestrian uses and walkways and bicycle paths and so on.

I am essentially satisfied that maybe we had to go a little too far, whether it was with Harbourfront or some of the other things. But there is a rebalancing. There is sufficient concern at all levels of government. Metro is concerned, as I am sure is the City of Toronto. Scarborough is certainly concerned, and Etobicoke expressed an interest, as has Port Credit. So has Oshawa by the way.

There are the same debates, in miniature, on the same issues about the Oshawa harbour and the Whitby harbour, although they have commercial juice. I mean they have the prospect of taking on some business or replacing some of these high-cost, running-down-demand-curve activities. So has Hamilton.

So you will see a kind of economic transition. Certainly there is the opportunity for some relocations. Some of the things that are left in the old downtown port area of Toronto really are high cost. The compatibility problem is more extreme than it is where you have more choices.

That is the backdrop. In terms of money or support this is a very small office, or co-ordinating mechanism, supported by Mr. Eakin's ministry. It operates outside the government phone system in the sense of being down there.

**Mr. Breagh: That should be a help.**

**Mr. Allan:** I am at 20 Bay Street in one of those buildings that is right across from where people used to row out to the Toronto Harbour Commissioners building, and not that long ago. That is how you used to get there. When people were having swimming races someone used to take a row boat or a small boat out. But it has been evolving for a hundred years and to suggest that somehow we are going to stop it or that we have had enough—the problem is that we are not working against an objective or a framework that everybody can feel comfortable about.

The hearings on the Toronto Island Airport, the future of the port, the harbour commission, environmental considerations and Harbourfront are going to bring a lot of people out of the

bushes, as they should, because they are seminal issues. The same issues will appear and are apparent in some very attractive and probably, in my sense, better-planned developments or potential developments in Etobicoke. I think there has been more effort to co-ordinate and link things up, build in public objectives and go for something that has balance in some other areas. The conservation authority has clearly been working for years to put a strip along the Scarborough Bluffs to protect those bluffs and provide public access, recreational opportunities and many of those things.

Many of the things that we have done or that are there really are quite remarkable, but the focal point became Harbourfront and selling your soul for a few development bucks to pay for the jugglers and dancers. That is what focused it—those high buildings packed in without a lot of thought about how people get there, the kind of people who should live there or whether that is compatible. We had to take a tremendous kind of pressure against the city of Toronto to ensure that there would be a light rail transit right-of-way preserved so that we could continue to expand and people could get from A to B and not have to go underneath a condominium.

Those kinds of really fundamental public issues and tradeoffs are what are involved. Unfortunately, I guess to some extent, when you get a debate like that starting to arise, you get a lot of charlatans on the edge really beating the drum very strongly for some fringe issues. The fundamental, "most of the people most of the time" kinds of issues need a champion and, to some extent, I hope that comes out of Mr. Crombie and the efforts the province is trying to put into it.

**Mr. Breagh:** Just to pursue this a bit, I remember through successive federal election campaigns it seemed to be an important component that at some point in time the Prime Minister dropped into Toronto and announced many millions of dollars for a waterfront park. This used to confuse me no end, because I could not find the damn thing for years and years. By the time I found it, it was a thing called Harbourfront and it was not like any park I had ever seen. You could not get there from here, and when you did get there, you could not move around.

Basically, it is the problem that governments have great trouble arriving at these decisions and co-ordinating all of these plans, but the private sector has an innate ability to very quickly stake out its turf, put forward a proposition and make



everybody march to that tune. That has been a problem all along that lakefront.

I recall in the middle of one election in Oshawa, in its little harbour, the Treasurer said, "Here is \$1.2 million for roll-on, roll-off facility." I think it was in business six months. Then the Ministry of Transportation decided that was a bad thing, so it was out of business. It is an example of government's inability to say what it wants to do and the private sector's ability to move quickly to do what it wants to do.

I am not hearing very much in the way of a reassuring voice here that it is going to change. Is it? Do you think the public hearings over the next little while will bring together some kind of reasonably put together plan for the development of the waterfront?

**Mr. Allan:** Yes, I am more confident than you are. I am kind of smiling to myself, since I was an advocate of the Oshawa roll-on, roll-off.

**Mr. Breagh:** I hope you have a little more success with this project.

**Mr. Allan:** Good ideas sometimes do not last too long, but they are still good ideas.

**Mr. Breagh:** Oh, a dandy idea. Well, it kept the land vacant.

**Mr. Allan:** Commercial activity across this lake—it is surprising it happens nearly everywhere else in the world and, for whatever reason, there was a big fight about the second harbour. The Oshawa harbour was a very sensitive area, anyway. Maybe it was not the right location, but somewhere there was going to be heavy traffic loaded on trucks going across either Lake Erie or Lake Ontario. Regardless of free trade, it was going to happen. Post-free-trade, it is sure to happen. Sometimes you have to have a couple of guys go broke just to prove that the idea can survive until the right mechanism comes forward to make it work. I certainly hope we are not in that business.

## 1730

Harbourfront, as a corporation, was surely the teething ground for what can go wrong. The lessons are so apparent there. We cannot afford another experiment and not do it right.

It has still not gone far enough. There are vast acreages there. This is a 100 per cent federally-owned corporation. Most people think it is owned by the city of Toronto or the Toronto Harbour Commissioners. We are talking about an entity 100 per cent of whose shares are owned by the government of Canada. We are not talking about some kind of amorphous citizens' group or something.

There has been what I would call a stewardship failure in the sense that it was possible to jerk the string and stop them. Perhaps that has happened now, fortunately, and the city of Toronto had something to do with it—although my assessment is that the city planners, and indeed the city politicians, were going right along that path very merrily until a few citizens started to bubble up and then, press reports and so on—I did not see an awful lot of indigenous opposition based on the wrong course of action.

That is only a cursory examination by me. I do not really know all the details of what happened and I really do not give a damn; but there is lots of opportunity to get the public objectives and, I think, a continuous access or a promenade. If you look at the great waterfronts of the world you will see that they have two simple characteristics. One, you can get there and you can enjoy yourself right along the water's edge and, secondly, they do not build buildings right on the water. They have a road or a separating space and they put the buildings on the other side of the road.

Those are fairly common whether you have a park with trees or playgrounds or a boardwalk or low-rise recreational buildings. The condominiums or the commercial buildings are set back from the water. That, I think, is probably the difference. You can have some right on the water. I remember years ago, Ralph Cowan, a federal member of Parliament, fighting very strongly against filling in the lake—way to hell out near you—almost as a single purpose advocate against the enormous development project, because the balance was not struck, or at least he was resisting it because he thought that the public's asset was being usurped for private purposes. I think that is going to be the constant battle.

The challenge is getting governments together to agree on those public objectives. People can say we can make bird watchers out of it or a number of things. We have to have an airport. We have to have a number of things. We have to have transit, but we have to have walks and parks and so on. I think most of the failure is the inability to coalesce the public objectives and give a consistent story to the private investor and developer and stick with it. That is where I see it and I would hope that the will is now there not to let it happen in the future.

**Mr. Faubert:** First of all, the clarification of the ownership was put forward and I was glad you clarified that because the ownership is 100 per cent by the federal government. Indeed, it is a

crown corporation unlike other crown corporations in that it is allowed to maintain its generated revenues from land development and rentals. That is one of the great problems with this, is it not?

In other words one fed on the other because Harbourfront's mandate was to develop without any further infusion of public dollars. In effect, it set its own densities to produce revenues for the continual development of Harbourfront.

**Mr. Allan:** Frankly, I think the Toronto Harbour Commissioners did the same thing. If you do not go up to the Treasurer or the finance or the public accounts or wherever you get your money—the Treasury Board in Ottawa—if you stay away from asking for money, they do not ask you questions about what you are doing. So Harbourfront made its deals to pay for the jugglers and the harbour commission made its deals to get out of debt. As long as you do not go and ask the guy for money, nobody seems to worry about it. Fundamentally, that tradeoff is what has led to some of the mistakes.

**Mr. Faubert:** The second point is that the city of Toronto really does not have any planning control over Harbourfront. There are deals that have been struck, but because it is a crown corporation it can develop over the objections of the city of Toronto. Is that not so? I know they have had deals between the city and planning as to what can develop. Is that not one of the things that went awry? They have put the densities they wanted into effect in the harbourfront area.

**Mr. Allan:** Yes. The normal planning and approval process—even if you look, there is no official plan amendment or zoning. It is a unique kind of collaborative process and that reflects the fact that the city, at the end of the day, has to defer to a more senior government. I understand that.

In essentially the same way, I guess, the province could have got the minister to impose a ministerial override and say: "Enough. We are not going to allow the city of Toronto's approved version to go ahead. It is too dense. It is going to lead to this and this." That is a draconian action because the day you do that, if Mr. Eakins had to do that, you have basically taken the authority away from the local government.

It never goes back, believe me, for a long time, when you do that kind of thing. It has not gone anywhere near as far as a disaster situation and it is fairly densely developed. There has been a great debate about 30 acres of park. There are lots of opportunities to redress and incorporate long-term objectives in this thing.

I think the province will be using its fiscal power or its planning in a far more deliberate way to support the municipality and say: "Hey, you are doing a good job. Can we help make it happen? Are we cleaning up the environment? Do we have some access between the parks and some walkways? Will this thing work? Does it link up to the rest of the city?" We will be using our money and our support pretty deliberately in favour of coherent planning and long-term development.

**Mr. Cousens:** The SkyDome is going to place a tremendous amount of pressure on large parts of that area we call the waterfront. To what extent have you, in your activities, been involved in addressing and helping to respond to the road network that should be built to allow people to gain access to and egress from the facility?

There is also the question of parking, so that you do not just have a big piece of tarmac all around there; and access through public transit, through GO Transit and the Toronto Transit Commission. You mentioned the light rail transit which will come into service three or four months after the opening of SkyDome on June 3. There is just a massive amount of pressure coming on that one part of the thing. Can you tell me what you are doing in that regard and what planning action is involved, just comment in general terms?

**Mr. Allan:** You are quite right. At a typical event next June—say there is a Blue Jays' game next June 20—there are going to be 60,000 people there. You might very well at the same time have 10,000 people at the Metropolitan Toronto Convention Centre and 4,000 people at Roy Thomson Hall, a lot of things happening. There may even be something going on—

**Mr. Cousens:** And 15,000 to 20,000 of them taking cars.

**Mr. Allan:** I was not involved. In fact, I listened the other day on the radio to the former roads commissioner, who is retired from Metro, saying how strongly he fought against that location and how the integration and all the things that are necessary were not taken properly into account in terms of 10-year lead times and so on. I am not nearly as pessimistic. I have walked it. I have been in the middle of the domed stadium—

**Mr. Cousens:** You are not answering my question.

**Mr. Allan:** Listen. I have walked through the middle of that construction war zone, just to find out. We are building the Peter Street link, we are building the bridge across; it has the capacity to



carry an LRT built right up the middle of it. I should tell you and you have to know that. There is a possibility of a GO station immediately west of that.

But walking out of that domed stadium, without necessarily having 10,000 people going along Front Street, I feel pretty confident that the GO will handle a fair bit of it and the subway is within a reasonable walk under those covered walkways. I would think that within an hour you could disperse fairly—

**Mr. Cousens:** Have you been involved at all with the transportation problems?

**Mr. Allan:** Yes, I have. I have spent a lot of time at it.

**Mr. Cousens:** Can you tell us some of the things you have recommended?

1740

**Mr. Allan:** We have commissioned some modest studies, along with the Ministry of Transportation, the SkyDome itself and Metro. A lot of people have been interested in what is going to happen on opening day or subsequent to opening day, particularly when the roads—the Esplanade will not be finished. A lot of the reserve or spillover parking that comes from the new developments will not be in place. There are only 500 spots in there. You are almost saying by definition: “Don’t drive there. Park somewhere. Get on at the GO station, get on the subway, get on a bus to go to those events.”

That will be by way of a major experiment. But even if you have to walk to subway stations—and we need to widen platforms; we have to do a lot of things—it really is not that far and it is not that impossible. It is 2,800 feet in fact. You probably walk further than that to go to your GO stop in Markham. Certainly, the new ones we just opened at Ajax and Whitby, with those enormous parking lots, and the Pickering GO station—a walk of a quarter of a mile to half a mile is not out of the way along well-lit urban streets.

I do not think it is going to be that bad. There are lots of things in motion: the LRT, which will continue, ultimately, right out to the Canadian National Exhibition grounds and Ontario Place one day. This has a lot to do with city and Metro priorities; we have certainly built the capacity on that bridge to run the LRT up Spadina. There are a number of north-south links on streetcars. There are some bus opportunities, but that whole business of all those people and the parking—

**Mr. Cousens:** You are not the main coordinator of it. You are obviously not in charge of anything on that.

**Mr. Allan:** Frankly, if you ask me who is in charge of all that—we go to a lot of meetings to ensure that those pedestrian walkways are being built by the railways.

**Mr. Cousens:** Who is in charge?

**Mr. Allan:** The SkyDome does its thing in its precinct. Metro does its thing on Metro roads. The city does its thing on city roads. The railways maybe do their thing on the station.

**Mr. Cousens:** It’s a fine job, you know.

**Mr. Allan:** That is the problem. We have a generic issue—

**Mr. Cousens:** You see, I have asked some questions, if you go back in Hansard and read them. I am not all that thrilled with what you have said.

**Mr. Breagh:** His training at the Ministry of Agriculture and Food was not in vain.

**Mr. Cousens:** I would say he is really good at—my training in theology teaches me not to have faith in anything.

You have left great gaps. Maybe some day you could just back a truck up and let me see some of the other stuff rather than what you were just talking about, because we have a real problem around the waterfront. Maybe we should have another five hours of estimates and we could just have Mr. Allan here to help inspire us with more problems.

With the provincial lands, how many acres or hectares, however you measure it, does the province own?

**Mr. Allan:** We own the Ontario Provincial Police building. At least I include the Ministry of Government Services in our crown agencies. We own Ontario Place. We own about 16 acres between Queen’s Quay and the lakeshore east of Yonge Street. We own the little Ministry of Community and Social Services building. We do not own as much as a lot of people. Metro and the city actually, once you get east of the Don Valley, own more. Toronto Harbour Commissioners is clearly the dominant owner. Ontario Hydro, and I include that as provincial ownership, has 63 acres at the Hearn site.

We own water lots. As soon as you get outside—and we used to own all the water lots and they were conveyed to the city and subsequently they were conveyed to the harbour commission way back at the turn of the century. We used to own everything under the water within the harbour but that is long gone. We do own the Leslie Street Spit, in the sense that it is our title past the conservation area.

We own everything outside the islands, all the shelves, so if there is any dredging, we own all the way down the strip, the future landfilling to some extent. That is where we can exert enormous influence, I hope creatively and coherently, including protecting the Scarborough Bluffs. Most of the sand on the islands came from those bluffs. They did not just develop as the result of a storm.

So we have a significant land base. Most of it is in critical pieces, but I would like to think that the other public lands—and they are critical. The post office owns 40 Bay Street. Surprisingly, the city owns most of the land under Union Station and the Express buildings. As for the railway lands, the city owns enormous lands around the domed stadium. Metro has very significant land holdings. Altogether the public land holdings on what might be seen as south of Front Street, I would think, represent 70 per cent or 80 per cent of all the lands.

Other than pier 27, which was conveyed by the harbour commission to a developer a few years ago, and the strip along Stadium Road, which was also sold by the harbour commission, with the concurrence of the city, to private developers, and what Harbourfront has done, I cannot think of very many really critical lands. The oil companies clearly have their tank farms and there is some stuff out in the harbour, but a lot of those lands are publicly owned, and enough of them are publicly owned to influence and in fact shape future development.

That is the key issue, how to use that asset creatively to incorporate and build in public objectives and priorities in the future, including transit, open space, recreational activities; very many things; roll-on/roll-off services.

**Mr. Breagh:** The man never gives up. It is the old maxim: when you get a bad idea, stick with it.

**Mr. Cordiano:** You should know.

**Mr. Breagh:** I am an expert.

**Mr. Chairman:** Seeing no further supplementaries, thank you very much for your presentation and your answers. I am going to treat that presentation as a general presentation and go into the rotation at this point, which means that Mr. Breagh has the floor for about 15 minutes, if he wishes it.

**Mr. Breagh:** I was instructed to take a few seconds to see if we could set up the remainder of the estimates so that everyone is reasonably happy with them. I understand a couple of members have expressed an interest in doing the

Niagara Escarpment Commission. Does this committee sit Thursday morning and Thursday afternoon?

**Mr. Chairman:** Yes, it does.

**Mr. Breagh:** That would pretty much take the time of estimates to its completion, wouldn't it?

**Mr. Chairman:** At the end of today, at six o'clock, we are going to have approximately two hours and 40 minutes left. If we get going on time, that would leave you 40 minutes in the afternoon. Realistically, we would have approximately an hour in the afternoon, because we rarely get going right at 10 o'clock.

**Mr. Breagh:** If it is agreeable to other people, might I suggest that we set aside Thursday morning to do the escarpment commission, since I know of at least two members who have a series of things they want to raise on that. If it could be agreed upon that we would do that on Thursday morning, then in whatever time is left in the afternoon, I have a couple of other members who want to raise local concerns and I have some other things I would like to get on. If that is an agreeable way to proceed, that would sure help my cause.

**Mr. Chairman:** Can we have agreement on that?

**Mr. Cousens:** I support that.

**Mr. Chairman:** The government party?

**Mr. Cordiano:** We do not have a say.

**Mr. Cousens:** I would like to get the comments back from the minister at some point.

**Mr. Chairman:** This is what I was going to suggest. I think we have consensus that the Niagara Escarpment Commission should be talked about for most of the morning, but logically, what we ought to begin with next day is a 20-minute to half-hour presentation specifically answering the queries you structure today, to get those on to the record at the beginning on a presentation basis, with maybe a few clarification questions. We could time that to be no more than half an hour and then we would still have a good hour and a half to go at the Niagara Escarpment Commission.

**Mr. Breagh:** Either way would be fine with me. It might be just as convenient to have the Niagara Escarpment Commission discussed at the morning session and have the minister wrap up in the afternoon, and we could perhaps have a little exchange about that. Either way would be fine by me.



The only thing I would like out of it, frankly, is a clear block of time, because I know at least two members want to do some discussing of the escarpment commission. As long as we can set that aside, it makes no difference to me how we do the rest of it.

**1750**

**Mr. Polsinelli:** There are only 10 minutes left today in terms of estimates. Since Mr. Breagh earlier expressed an interest in the Ontario municipal audit system, you may wish to use the next 10 minutes to get that presentation. That is up to you.

**Hon. Mr. Eakins:** Elizabeth Patterson is here if you want to know something about just what the audit has been since it was established in 1986.

**Mr. Chairman:** While Elizabeth Patterson is taking a chair, if there is any change in this arrangement, we have until Thursday. As long as the chair knows how you want to proceed, we will be glad to accommodate you.

**Hon. Mr. Eakins:** The arrangement is okay with me; whatever you people wish.

**Mr. Chairman:** Go ahead.

**Ms. Patterson:** Thank you very much for the opportunity to address your committee concerning the Ontario municipal audit bureau.

As the minister has already indicated to you, 1987-88, last year, was our first full year of operation. As our name suggests, our principal function is auditing municipalities. There is a wider definition of "municipalities" for our purposes. It includes transit commissions, airport commissions, health units and other local government organizations such as Indian bands and local services boards. We conduct audits on behalf of 11 Ontario government ministries. We deal with conditional transfer payments, those transfer payments under which municipalities are obligated to meet certain terms and conditions in order to qualify for the payment.

As this slide will show you, transfers to local governments and their agencies are a very significant portion of the provincial budgetary expenditure, representing \$8.37 billion, almost 22 per cent. As the slide tells you, the large portion of that is other grants, that is, unconditional grants and grants to school boards, but still, \$3.24 billion or 8.4 per cent of the provincial budgetary expenditure is dedicated to conditional transfer payments to these municipalities and their agencies.

As this has a large impact on the province, it also has a large impact on municipalities.

Conditional grants are the second-largest single form of revenue for municipalities, after the property tax and ahead of unconditional grants. When we are talking about capital funding, funding for capital works, that percentage is even higher, close to 30 per cent.

Let me give you an idea of the objectives of the bureau. To promote accountability and good management practices, we conduct financial and compliance audits. The goal of a financial audit is to ensure the municipality is in control of its funds, to ensure its assets are secure and to ensure its financial reporting systems are providing reliable information for the management of the municipality.

We also deal in compliance audits, which are designed to discover whether a municipality is complying with the requirements of grant programs, either legislation or regulations or the ministry's policies.

Through these audits, we hope to assist our client ministries to deliver transfer payment programs, to provide them with the assurance that municipalities are complying with the requirements of their grant programs, and in circumstances where there are compliance problems, to identify those problems for them and propose solutions.

The bureau also provides human resource development opportunities. Our clients have been willing to take members of our staff to work in their operational units so that they can gain experience with how programs operate. They are also happy to come to the bureau—we have been able to arrange some of those transfers—because it provides them with an overview of transfer payment programs generally. We deal in over 40 transfer payment programs.

Of course, our own internal objective is to provide excellent service to our clients.

This slide will provide you with a breakdown of the work that was done in the last complete fiscal year. As you can see, the bulk of our work is done on behalf of the Ministry of Transportation, and that proportion is roughly comparable to the resources it provided to us in terms of staff when the bureau was established. That represents municipal roads, airport commissions and transit commissions.

We also work for the Ministry of Community and Social Services for general welfare assistance administration and other social programs, the health units and also home care programs; for the Ministry of Tourism on Wintario grants; for the Ministry of Housing on the Ontario home renewal program, which is a program for

rehabilitating housing that falls below building code standards; for the Ministry of the Environment for sewage, water treatment and recycling programs; for the Ministry of Municipal Affairs itself for urban core redevelopment funding, support for French-language services, employment equity programs and municipal education, and for the Ministry of Northern Development and Mines on a number of projects. On an ad hoc basis they also fund, with top-up funding, some of the projects that are undertaken in the north.

We have fee-for-service clients, as well as these clients, who provide resources. They are the Ministry of Citizenship for economic support for Indian bands, the Ministry of Culture and Communications for heritage buildings and community facilities for cultural purposes, and the Ministry of Treasury and Economics, which provide grants for some disadvantaged municipalities to give them the infrastructure they need to attract new employers to the community.

As you can tell from the fact we are here today, we report to the Ministry of Municipal Affairs for administrative purposes. For policy purposes we report to a council, the Ontario municipal audit council, which comprises the deputy ministers of our client ministries and the secretary of Management Board of Cabinet.

They oversee our activities, approve our audit and work plans and my performance contract. They also act as a forum for the discussion of issues related to transfer payment programs. At the moment, we are doing two projects for them. One is on the accountability mechanisms ministries use to ensure municipalities are complying with their program requirements, and another is on the administrative provisions of transfer payment programs, with a view to eliminating some inconsistencies and streamlining the process for the benefit of municipalities. The goals of the council are to promote accountability and financial management, and also to promote human resource development.

In conclusion, the advantage we see to a single audit, to having the audit function consolidated within the Ministry of Municipal Affairs, is that it provides a more productive use of audit resources. Very simply, it is easier to send one auditor to field sites than to have 10 ministries send auditors to the same place. There is also a basic startup and familiarization with municipal accounts that each auditor must do, and the duplication in that startup period is eliminated through having all audits performed by one unit.

We also pick up a number of small programs. Student summer employment programs are a fine

example, where the dollar value of the grant would not warrant field audits. If they are picked up in conjunction with a larger program, such as municipal roads, it makes it economically feasible for us to catch those.

We also get more effective audit coverage. Because we have an overview of the municipalities' financial systems, we are able to identify systemic problems. Some municipalities are having difficulty in financial management. Those municipalities are referred to the field services unit at the Ministry of Municipal Affairs so they can be supported and encouraged to remedy their problems.

We also look at situations where more than one ministry is involved in a project, in the hope of eliminating any duplication in billings by the municipality to the ministries.

We are able to improve our corporate support because we can identify recurring problems that go beyond a single program or ministry. For example, if there is a problem in the area of capital funding, it is possible for us to bring those issues to the council for resolution on an interministerial basis. We also are a repository now for information on a number of transfer payment programs, which permits us to provide research support to our council.

**Mr. Chairman:** While the slides are changing, could I interject and inquire how much longer you are going to be. It is actually six o'clock.

**Ms. Patterson:** One more slide.

**Mr. Chairman:** With the approval of the committee, I will allow it.

**Ms. Patterson:** The benefit to the municipalities is that they do not have to house and orient a number of auditors passing through their municipality. They do one close-out interview on behalf of all the province's agencies as a whole. Finally, I have already mentioned the staff development opportunities to you.

With that, I will throw up a summary slide and ask whether any members have questions.

**Mr. Cousens:** Is the summary report of your audit available that would give a statement to the equality of the system, to the books of the different municipalities? Is that a public document?

**Ms. Patterson:** They are under freedom of information with respect to specific municipalities. We have not been in operation long enough to have synthesized anything on a province-wide basis. Any specific municipality that is having serious financial accounting problems is identi-



fied to the council members so they can make decisions about whether they want to continue to fund that municipality.

**Mr. Breagh:** Do you do any kind of annual report to the ministry?

**Ms. Patterson:** We do an audit plan at the beginning of the year that identifies all of the targets and the grants that are made to those municipalities. We report to our client deputy ministers on a semiannual basis, telling them the progress towards the plan, as well as any recurring problems we have identified. We file individual reports with their program staff on each municipality we visit. If there are any problems that go beyond the boundaries of one ministry, they are reported to the council.

**Mr. Breagh:** Is there any one document that might be called, if not an annual report a summary of activity or something like that, which we could take a look at?

**Ms. Patterson:** The audit plan would not summarize the results. It would tell you what activities we have engaged in for this year.

**Mr. Breagh:** Would it be useful for us to take a look at something like that, if that were possible?

**Hon. Mr. Eakins:** Whenever it is available, that is fine.

**Mr. Breagh:** Okay; thank you.

**Mr. Chairman:** I would like the record to show that we are adjourning on vote 2501, item 1, of the estimates of the Ministry of Municipal Affairs. We will reconvene at 10 o'clock next Thursday morning, which is December 15.

**Mr. Fleet:** When will be finishing this set of estimates?

**Mr. Chairman:** Thursday afternoon. We will have less than an hour in the afternoon.

**Mr. Fleet:** Will we be commencing the Ministry of Labour estimates?

**Mr. Chairman:** No. We anticipate commencing the Labour estimates on January 5 or 12.

The committee adjourned at 6:03 p.m.

## CONTENTS

Thursday, December 8, 1988

<b>Estimates, Ministry of Tourism and Recreation</b> .....	G-289
<b>Recess</b> .....	G-300
<b>Estimates, Ministry of Municipal Affairs</b> .....	G-301
<b>Opening statements</b>	
Hon. Mr. Eakins .....	G-301
Mr. Breaugh .....	G-305
Mr. Cousens .....	G-311
<b>Adjournment</b> .....	G-326

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

Callahan, Robert V. (Brampton South L)

Charlton, Brian A. (Hamilton Mountain NDP)

Cordiano, Joseph (Lawrence L)

Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

**Substitution:**

Cousens, W. Donald (Markham PC) for Mr. Cureatz

Farnan, Michael (Cambridge NDP) for Ms. Bryden

LeBourdais, Linda (Etobicoke West L) for Mr. Callahan

**Also taking part:**

Breaugh, Michael J. (Oshawa NDP)

Grier, Ruth A. (etobicoke-Lakeshore NDP)

**Clerk:** Carrozza, Franco**Witnesses:****From the Ministry of Tourism and Recreation:**

O'Neil, Hon. Hugh P., Minister of Tourism and Recreation (Quinte L)

Brock, Robert L., Director, Tourism Development Branch

Keenan, James W., Deputy Minister

Secord, Bob E., Assistant Deputy Minister, Recreation Division

**From the Ministry of Municipal Affairs:**

Eakins, Hon. John F., Minister of Municipal Affairs (Victoria-Haliburton L)

Allan, Duncan, Special Adviser to the Premier-Toronto Waterfront Development

Patterson, Elizabeth, Executive Director, Ontario Municipal Audit Bureau













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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

#### **Standing Committee on General Government**

Estimates, Ministry of Municipal Affairs



#### **First Session, 34th Parliament**

Thursday, December 15, 1988

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers



## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, December 15, 1988

The committee met at 10:09 a.m. in room 228.

### ESTIMATES, MINISTRY OF MUNICIPAL AFFAIRS (continued)

**Mr. Chairman:** The chairman recognizes a quorum. We adjourned last time on vote 2501, item 1, and by consensus we agreed to set aside whatever portion of this morning's session was required to discuss the Niagara Escarpment Commission. With that topic in mind, I will recognize the spokesman for the official opposition, Mrs. Grier.

**Mrs. Grier:** I really welcome the opportunity to spend some time discussing the Niagara Escarpment Commission. I think it is almost 20 years since the Gertler Niagara Escarpment Study Conservation and Recreation Report brought to the attention of all of us in the province what a treasure we had in the Niagara Escarpment and how important it was to preserve it for all the people of the province. Probably the minister knows, as well as all of us, the tangled history of studies, reports, controversy and meetings that got us to the point of approval of the ultimate Niagara Escarpment plan.

I think I speak for many people who love the escarpment. I happen to be one who visits it frequently, having some property within the area. We are concerned that the promise we all felt had been made when the Niagara Escarpment Commission was set up has not been totally lived up to, and we see evidence that the assumption that the escarpment had been saved for all time is not quite as great a victory as we had hoped it might be.

I would like to start by asking the minister if he could perhaps give us some information about the Cresap review. This, we understand, was a review by consultants of the management and administration of the commission and made some recommendations. I had asked the minister in the House if this could be tabled and what the response would be. I would like to have some response to that question, if I could.

**Hon. Mr. Eakins:** Mr. Chairman, do you want a response on each question or following the input from all the members on the Niagara Escarpment? It does not matter to me.

**Mr. Chairman:** The way we have proceeded with fair success in the past, I think, is responding as the questions come, by agreement between the two opposition parties. They may be alternating the questions and treating them as supplementary, but they are all Niagara Escarpment questions so they can alternate at will. I think it is better to answer them as we go, as opposed to at the end.

**Hon. Mr. Eakins:** With regard to the Cresap report, we have some of our staff here if you would like to ask them further about this particular report. We have been having a review of the process of the commission. We have been doing this in a number of ways. The Cresap report is simply one view of what is happening within the commission on the question, can we make the process more effective? I think you will appreciate that the way we have been doing it has been through some open meetings. Those open meetings have been held with the municipal people and the various interest groups invited to attend. I think there were three of them. Many people attended and had some input.

It was one way we had of determining how we might make the commission, the process, more effective. The Cresap report was simply a consultant's report to express another view. That report is available and I can certainly see you have that before the day is out.

**Mrs. Grier:** I really welcome that. I certainly have asked for a copy of that report in the past. Perhaps the minister could share with us briefly the recommendations of that report, and in particular, explain what kind of role that report recommended the Niagara Escarpment Commission ought to have.

**Mr. Sterling:** Just before you do that, does any of your staff have a copy of the report here?

**Hon. Mr. Eakins:** No, I do not have the report, but I will see that you have one today.

**Mr. Sterling:** It would be really helpful.

**Hon. Mr. Eakins:** It is an internal report to take a look at what we have been dealing with; there are no secrets in it. With your permission, I would like to ask Les Fincham from our ministry to perhaps give you more background. I have not had an opportunity to review the complete report

in detail, but Mr. Fincham would be glad to do that.

**Mrs. Grier:** Not the complete report, but perhaps the main recommendations, particularly those with respect to the commission itself and the role of the commission, would be helpful.

**Hon. Mr. Eakins:** Sure.

**Mrs. Grier:** Perhaps Mr. Fincham has a copy of the report.

**Mr. Fincham:** No, unfortunately I do not have the report with me.

**Mr. Sterling:** Perhaps after you are finished, you could phone your office and have two of them delivered for Mrs. Grier and myself.

**Mr. Chairman:** Les Fincham has taken the chair to answer the questions with respect to this report.

**Hon. Mr. Eakins:** He is the director of plans administration branch.

**Mr. Fincham:** As the minister has said, we are currently reviewing the recommendations of the Cresap report. We have discussed the recommendations of the report with the partners we have in the Niagara Escarpment program, including the commission and the other ministries involved.

In the basic recommendations of the report, and I will put them very simply as to how they affect the commission, the report recommended we take a look at the roles and responsibilities and that we consolidate the activities, particularly the implementation activities, with the commission—that there be one body responsible for the implementation of the plan and the program—and that the ministry, on the other hand, take more of a policy and program leadership role in the program. Essentially, this recommendation was made to make better use of the resources we have internally, both in the ministry and the commission.

The report also recommended that we restructure our interministerial committee to give better program leadership and direction and to give advice to the minister on some of the policy issues that come up from time to time on the Niagara Escarpment program. This interministerial committee would involve ourselves, the Niagara Escarpment Commission, the Ministry of Culture and Communications, the Ministry of Natural Resources and the Ontario Heritage Foundation.

The committee, along with the ministry, would be asked to establish some clear priorities for the program, with the consensus and concurrence of all the actors, and would also be asked to

look at an improved accountability structure for the program to ensure we are indeed carrying out the things we were asked to do as part of the approval of the plan in 1985.

One other item the Cresap report highlighted was the need to look at our processes and streamline the legislation that governs the Niagara Escarpment program so that these processes would be made more effective and efficient. In a nutshell, that is what the Cresap report speaks to.

**Mrs. Grier:** Could you perhaps give me a little bit of background on how you anticipate coming to final conclusions about Cresap. I gather you have discussed it with your partners. Is there going to be an opportunity for some public review and for those who may not be government partners, but who have over time shown a very direct involvement and interest in the escarpment, to have an opportunity to have their input into this process?

**Mr. Fincham:** I feel the Cresap report is just one part of an ongoing consultation program. We have had a number of municipal forums and a public forum to get some input. Cresap is just one part of that. We anticipate having continual forums on the Niagara Escarpment program as part of a continuing evaluation of how that program is doing, so I think putting Cresap out of context sort of negates the other things we have been doing, which are part and parcel of an ongoing program review. There certainly will be future public consultation, as we anticipated, and items such as the Cresap report may come up at these discussions.

**Mrs. Grier:** How do you see all of this fitting into the five-year review of the plan that is called for in the legislation?

**Mr. Fincham:** Cresap does not focus its main recommendations on the review. Rather, it looks at the implementation of the plan as it was approved in 1985 and the implementation proposals that went along with that approval. Essentially, Cresap is saying, "Get on with the implementation before you even get into a five-year review." Legislatively, we are required to get into a review in 1990, and Cresap recommends we use that five-year period as an opportunity to gain the experience we need so that we have good information and experience with the plan and its implementation before we start making any wholesale changes to it.

**Mrs. Grier:** Does that mean you are not going to be doing a broadly based five-year review? Am I correct in hearing that what you are saying is that you have Cresap, you have had these



public forums, you are talking with an interministerial committee and you are going to go forward with that, as opposed to initiating a broadly based five-year review?

**Mr. Fincham:** The legislation requires us to initiate a full review of the program and the plan in 1990. That has not changed.

**Mrs. Grier:** Do you anticipate having implemented some of the recommendations of Cresap and done some of the things you have just described before you begin the five-year review?

**Mr. Fincham:** We certainly do. The recommendations of the report make it clear that we should implement the major recommendations in a very short period of time. One of the things we are doing right now with our partners in the Niagara Escarpment program, including the commission, is to do an implementing strategy on how we accomplish the recommendations of Cresap in a fairly short time frame.

**Mrs. Grier:** So you are going to do an implementing strategy of how to implement Cresap, and Cresap says you have to look at how you are implementing the plan. Is that right?

**Mr. Fincham:** That is right.

**Mrs. Grier:** And you will have all of that done by 1990?

1020

**Mr. Fincham:** In addition, there are parallel processes going on. We are not waiting until June 1990 to initiate preparation for a five-year review. We feel the ongoing evaluation and monitoring we are doing now is part of the preparation for a five-year review in 1990.

**Mrs. Grier:** Let me try one more. I know Mr. Sterling has a question. When you talk about the partners in the plan, do you consider the public and the public interest groups partners in the plan?

**Mr. Fincham:** Very definitely. They are certainly a very important partner in the program and the plan.

**Mrs. Grier:** What role would they play in this discussion of implementation of implementation?

**Mr. Fincham:** We hope that through continuing consultation with the public on a lot of issues, whether they be site-specific and amended to the plan or something like the public forum, we will continue to get input from the public, which will help us frame how we are going to do the five-year review in 1990.

**Mrs. Grier:** Then why would you not bring the Cresap report to a public forum?

**Mr. Fincham:** I guess because we feel Cresap's recommendations are partly reflective of what we examined at the public forum and the municipal forums in the spring. We had not really considered it necessary to go out and consult specifically on Cresap, but just to keep that as part of our overall arsenal of information when we consult with the public on an ongoing basis.

**Mr. Sterling:** You had mentioned in your remarks about monitoring the plan. Did Cresap say anything about your techniques or your monitoring plan? I am not aware of, and maybe you could tell me, what you are doing to monitor the plan at this time.

**Mr. Fincham:** Cresap did recognize that we needed to make some improvements to our monitoring process. That is not to say we had not been monitoring the progress of the program implementation up to this point. Cresap recommended that the work activities of the commission be reported to the ministry on a quarterly basis and that policy issues raised before the interministerial committee be part of an ongoing evaluation in the monitoring process.

In terms of the monitoring we are doing now, we keep some fairly detailed records on what I call "plan activity"—the development control permits that are applied for, the appeals of those permits, the Niagara Escarpment plan amendments and those kinds of things, including land acquisition, of course, which is a very important component of implementing the Niagara Escarpment plan.

**Mr. Sterling:** When you are monitoring, is there any attempt by the government to discover contraventions of the plan, where people are undertaking building projects on the escarpment without applying for a permit, for instance?

**Mr. Fincham:** We do not get into that because we do not directly administer development control. I know the commission does some of that activity, although it is a humongous task to be responsive to every contravention of the plan because of the very size of the area that is covered. A lot of the contraventions are picked up by word-of-mouth and what people stumble across.

**Mr. Sterling:** Does the commission have any budget for that part of dealing with—

**Mr. Fincham:** I cannot really speak to the commission's budget.

**Mr. Sterling:** Well, perhaps the deputy could answer that. Does it have any part of its budget for policing contraventions?

**Mr. Obonsawin:** At the current time, the commission has not put aside any of its budget for that purpose. Some of my concerns in trying to put together the Cresap report were to discover what resources were invested in the Niagara Escarpment plan process, to try and see whether certain things could be done better, to see if there were certain duplications between our ministry and the commission, and to see to what extent there were things the commission was doing which could be done in a different way, so that resources could be invested in new activities such as the one the commission would like to get into, which is the monitoring process.

I cannot remember the details, but the Cresap people did make a recommendation that part of the developmental permit process the Niagara Escarpment Commission was currently pursuing was very lengthy and cumbersome, and that there could be some streamlining and a different approach to proceeding on developmental permits that might free some resources to do the monitoring.

**Mr. Sterling:** I understand there has been no provision in the budget of the Niagara Escarpment Commission for that particular part of the monitoring of the plan, that the ministry has not given them any money with regard to that part of it.

I just think that there has to be some policing of the plan if in fact you are expecting people to be able to report to somebody, to talk to somebody, to have somebody go out and look at a particular development and that kind of thing. Therefore, I think it is a black mark against the government and the plan not to provide adequate resources to the commission to do that.

May I go along to the other areas of monitoring? You said that you were monitoring development permits that were issued by the commission, and also those that were not issued by the commission I presume. Can you tell me what kind of data you are keeping with regard to development permits?

**Mr. Fincham:** On development permits specifically, we have a computerized database to tabulate what the permit was about, whether it was granted or not, whether there was appeal of that permit and what the decision of the minister was after hearing the hearing officer's recommendation. That gives us a statistical backdrop as to what the activity on the escarpment is.

**Mr. Sterling:** May I just interrupt you there? You jumped two steps. You said the hearing officer. I am assuming that there is no hearing. I

am presuming that the commission gives the development permit. Do you track that?

**Mr. Fincham:** We identify that as part of our computerized record. It is logged and we know what the decision is and we have a statistical record of that.

**Mr. Sterling:** So you know how many development permits were applied for in a year and you know if they have in fact granted or not granted them.

**Mr. Fincham:** That is right. We use the commission's statistics as well. They keep a statistical database of their own.

**Mr. Sterling:** Okay. Then you go to the hearing office level and you monitor each one of those decisions, is that correct?

**Mr. Fincham:** Where there is an appeal, our branch has to process that appeal once the hearing officer has made his recommendation to the minister, and we do keep a detailed tabulation of those appeals.

**Mr. Sterling:** With regard to planning amendments or amendments that have been made to the plan, can you tell me how many amendments have been made to the plan in the last three years?

**Mr. Fincham:** I believe we have processed 19; 17 of which have been approved.

**Mr. Sterling:** Will you provide me with details of all of those, please?

**Mr. Fincham:** I cannot tell you about each one of them off the top of my head.

**Mr. Sterling:** No, no; I am saying after these particular hearings. In fact, I would like to see all the data you have on monitoring the plan and how that data is in fact produced in whatever forms you normally produce it, because I think the monitoring of the plan is extremely important to those people who want to maintain it.

**Mr. Fincham:** Monitoring the plan involves more than just statistics, of course. We monitor policy issues, with the able assistance of the Niagara Escarpment Commission. The commission itself often raises policy issues which we discuss in the ministerial liaison meetings.

**Mr. Sterling:** I understand that.

**Mrs. Grier:** Is there some evaluation of the cumulative effect of those policy decisions or what in fact has happened since the implementation of the plan? Has there been any review of that?

**Mr. Fincham:** We have not done what I would call a comprehensive analysis of all the activity of the plan: amendments, development permits and those sorts of things. We have a



general level of awareness as to what some of the major issues are. Through our interministerial committee discussions, we have certainly identified what some of these major issues are, and as part of our preparation for the five-year review, we are initiating some comprehensive analysis of the issues affecting the Niagara Escarpment.

**Mrs. Grier:** I guess I am getting a little confused about the five-year review. As I understood in your responses to earlier questions of mine, it was going to start in 1990 but a lot was going to happen before then. Then I am reminded when I look at my notes that the deputy minister had indicated, according to the *Owen Sound Sun Times*, which may not be the most reliable source of information, that you saw the five-year review starting a year earlier than planned. Could there be some comment on that?

1030

**Mr. Obonsawin:** Yes. I guess I should have circulated my letter to the warden, the gentleman who was quoted as saying that. I wrote him a letter saying that he had misquoted me and that I had not said that.

**Mrs. Grier:** Is everybody agreed that the five-year review will not start until 1990?

**Mr. Obonsawin:** There is an agreement that the official review will begin somewhere around June or July 1990.

**Mrs. Grier:** Could you give us some sense of how you see that review occurring and who the participants are going to be, what the public process is going to be and how long it will take?

**Mr. Obonsawin:** Actually, I cannot answer in any specifics on those points because I believe that they would be premature. Certainly our current intent is, somewhere close to the beginning of 1990 to develop some sort of process which would in fact help us define what the elements of the review would be and what the process would be. That was very helpful to us when we had the sessions—the municipal forums and the public sector forums last year—to get a sense from all the various actors involved that there is still a lot of confusion I think as to where the plan is going and where it should go. I think you have to remember—and in one way Les dealt with that in talking about the Cresap report—that we only have less than three years' experience with the plan. I think there are still a lot of points being raised and there is still a lot of learning being done. People are only starting to have a sense of how they can live or not live with certain parts of the legislation.

I would see—and just answer your point in a direct way—that somewhere at the beginning of 1990 we would develop some sort of process. Les mentioned maybe using again the process or the mechanism of public forums to try to identify what seem to be some of the issues and the policy issues that people think have to be addressed with review.

**Mrs. Grier:** One of the issues that seemed to come out of those public forums was the remark I guess by you that there needed to be some flexibility in determining the plan. I would certainly like to have some definition of the parameters of flexibility that you include when you use that word. How flexible is flexible?

**Hon. Mr. Eakins:** Flexibility to me just means common sense. You know, this discussion is good because in the time that I have been minister I have wanted to make sure that the intent, the support of this government is there for the Niagara Escarpment. We are dedicated to its preservation. We want to have as much input as possible from time to time from the people not only who live there, but the people all across Ontario. That is why we have been doing a number of things. I think the deputy and Les Fincham have mentioned the Cresap report was simply one way of getting some input, to continue to review the process of what we are doing—the open public forums, to which I know you were invited. I do not know whether you were able to attend or not.

**Mrs. Grier:** No. I was represented there.

**Hon. Mr. Eakins:** We invited all the members to come to the municipal forums and public forums to come and tell us what you think about the thing. Are we doing a good job or are we not? Can we improve our performance? That was the first time that we had had these forums. The Niagara Escarpment plan allows for some development, as you know, within that plan. When I use the word “flexibility,” I mean common sense. In respecting what the plan means, we have to carry out that intent. We simply want to hear from the people how they see it. That was why we had the forums subsequent to the Cresap report.

I want to continually monitor our performance to see if we can do a better job. I think that the actions and the support that I have given to any of the amendments have been in keeping with the intent of the Niagara Escarpment plan. I would be pleased if you want to refer to any of those as to how our performance has been because I feel that we have done a good job on meeting the objectives of the plan, the support of the



commission and the hearing officers. I think our record is good on that. If it is not, this is the forum to tell us how we can do a better job, because that is what it is all about.

**Mrs. Grier:** Perhaps we could home in on some of the activities of the commission itself. Certainly I think I am concerned to find—

**Mr. Sterling:** Before you do that, Mrs. Grier—and you are getting into the basic philosophy of the plan—I just want to ask a question of the Minister of Municipal Affairs in this province.

As you know, under our government at the time we had the Provincial Secretary for Resources Development responsible for this particular act. I was involved very intimately with the drafting of this plan. Quite frankly, I felt at times that I was at great odds with some of my colleagues and the bureaucrats in your ministry.

I was very much chagrined when in fact there was a decision first of all to do away with the Provincial Secretariat for Resources Development, but that was a political decision—I think it was more window dressing than anything else when people look at the actual money that was supposedly saved in doing that. But notwithstanding that political decision, I was chagrined in seeing the Niagara Escarpment plan land in your lap, because there are inherent conflicts between your job as the Minister of Municipal Affairs which—I guess if you get it all down to the bottom—is to represent the municipalities and the interests of municipalities and to trust municipalities with delegation of power, whereas this particular act specifically takes away from the planning power of the municipalities as it is known across this province. I would much prefer to have seen this act land in the Ministry of the Environment if in fact it had to land anywhere—or perhaps even the Ministry of Housing.

I think that by putting it into your ministry, you are put in a compromising position whenever there are decisions to be made with regard to amendments, process and funding for the Niagara Escarpment Commission. Right now, when push comes to shove—and it does happen from time to time when dealing with planning decisions—you will have a municipality on one side and the escarpment commission on the other. It is very difficult to put a Minister of Municipal Affairs in the position of having to come up with a solution. I just think in terms of advocacy for the Niagara Escarpment plan, a great deal was lost when it was put into your ministry.

**Mr. Polsinelli:** If I could just ask for a clarification on that because, Norm, it seems to me that when you are talking about a conflict between the Niagara Escarpment Commission and the responsibilities of the minister, how are his responsibilities different with regard to the Niagara Escarpment Commission from, for example, official plan amendments? How are they different with respect to the parkway belt system? How are they different with respect to policy statements issued by the Minister of Municipal Affairs? I just do not understand—

**Mr. Sterling:** That is the problem.

**Mr. Polsinelli:** —the conflict that you are talking about. Is there a conflict with the minister in all these other areas also?

**Mr. Sterling:** Yes. Well actually, none, because the rest of the province is controlled by the Planning Act. The Niagara Escarpment area is a very special area of our province where we have said that there is a special planning law for that area and it conflicts—

**Mr. Polsinelli:** No, but I am saying that a special planning law for the Niagara Escarpment Commission is similar to the special planning law for the parkway belt system. It is similar to it but perhaps in a different way than with the whole planning process in Ontario: the official plan amendments that are approved by municipalities and eventually end up in the minister's lap; areas of provincial interest where the ministry issues a policy statement. I mean, if you are talking about a conflict situation as you would perceive in the Niagara Escarpment Commission, there is also a conflict situation in basically all the other planning matters that the minister has to deal with.

**Mr. Sterling:** The Niagara Escarpment plan is basically a plan which has said we are going to preserve a particular part of our province in a natural, environmental state. Section 2 of the Niagara Escarpment Planning and Development Act says "The purpose of this act is to provide the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment."

**Mr. Polsinelli:** I think we are all familiar with that, but I do not understand your concept of what the province is.

**Mr. Sterling:** But the parkway belt has nothing to do with that kind of a mandate. The Planning Act does not have anything to do with that kind of a mandate. Therefore what I am

saying is that there is so much conflict, as has been exhibited recently by developments in North York, and the Planning Act and how it is not working, but notwithstanding that, this minister represents municipalities. He has to say to municipalities, "I trust you implicitly." What this act says is that the Niagara Escarpment does not trust them implicitly with planning.

**1040**

**Mr. Polsinelli:** I disagree with you, because if you look at the—

**Mr. Chairman:** Let's not get into an argument. I think the minister should address the question and take into consideration the supplementary concern here.

**Mrs. Grier:** Perhaps I could state the question another way and get a response that way. Surely the argument we have had is one of the basic problems about how to preserve the escarpment, and I would like to hear from the minister, does he regard the Niagara Escarpment Planning and Development Act as a planning tool or as a preservation tool?

**Hon. Mr. Eakins:** My responsibility is to look at the planning matters right across the province and there are often areas in that planning that we have to look at. You can take the Ministry of Agriculture and Food, you can take all of the ministries, and these have to be taken into consideration.

I might say too that a number of the municipal plans must conform with the Niagara plan. In fact, the first one to be brought into conformity with the Niagara plan was Halton region. There are two other plans, I believe?

**Mr. Obonsawin:** There are two others. I forget which, off the top of my head, but there are two others.

I do not know if you wish a response from me, but this ministry has a responsibility towards municipal government. At the same time, it also has a responsibility towards planning issues in this province. On a daily basis, it has to come to grips with issues dealing with land use from an agricultural perspective, which calls for preserving the agricultural land, the forest land, the wetlands and a number of other lands, including preservation of some of our other heritage on the Ministry of Culture and Communications' side and the Niagara Escarpment side.

The escarpment act is a preservation tool, but it is integrated into the land use planning process and it uses that. At the same time, you will recall, and maybe Les could help me out on some of the specifics here, that it was initially envisaged that

the plan would be integrated or consolidated at the local level within the local plans. I think that makes that relationship very real and very worth while.

I think to suggest that because it is a preservation act and another part of our mandate is strictly a municipal one is not seeing our overall responsibilities as gatekeeper, if you wish, of the planning process in the province.

**Mr. Sterling:** If I can just respond, the two examples you used were bad examples, because when you talk about agricultural land and you talk about wetlands, you have a champion at the political level for each of those policies, or you should have a champion. With regard to the Niagara Escarpment plan, you do not have a champion in terms of repelling or fighting for section 2 of the act, if push comes to shove and the bureaucrats are pushing in a certain direction.

I will tell you this: This 1985 plan that we now have in front of us would have been a very different plan if the Provincial Secretary for Resources Development of that time, who was me, had not been in charge of it. If the Ministry of Municipal Affairs had been in charge of it, I predict it would have merged it by now with the Planning Act. That is what would have happened; and that is what will happen, in my humble opinion, within 10 years unless you get it away from your ministry and into the Ministry of the Environment or somebody who can champion it and can fight at a political level in cabinet and come out with a resolution which is favourable to the original intent of it.

I think it is very dangerous for the government to assume that within the bureaucracy, that can happen. That is what John and I are elected to do. We are elected to champion certain causes and certain constituencies when we are elected, notwithstanding what the bureaucrats do. We are there as politicians to fight for what we believe in and what we are given in terms of constituencies, and I am afraid you have an inherent conflict in terms of being the minister involved with this and the minister who has to champion municipal causes.

**Mr. Chairman:** I think the deputy minister may want to respond to this, and then Mr. Polsinelli.

**Mr. Obonsawin:** No.

**Mr. Polsinelli:** I just want to say that the three regional plans that have been brought into conformity with the Niagara Escarpment plan are Halton, Hamilton-Wentworth and Niagara. Halton was the first and the other two have followed.



We now have three brought into conformity with that.

It seems to me Mr. Sterling is associating planning with development, construction, high-rises, factories and that kind of stuff. I associate planning with a vision for the future. I associate a planning structure with how we want to see society and the lands around our cities develop, and how we want to see this place look 20 or 30 years down the line. Planning necessarily involves that vision, and in this particular situation planning involves the preservation of the escarpment. I do not see how there is a conflict there. I see planning as more compatible with this ministry than perhaps with another ministry.

**Mrs. Grier:** But you just explained it. It is preservation of the escarpment in opposition to all the other planning activities you have just described.

**Mr. Polsinelli:** No.

**Mrs. Grier:** The dream of the escarpment is to prevent the development of, the encroachment on, and the whittling away and nibbling away at the escarpment land. That is what that minister is there to do.

**Mr. Polsinelli:** That is a very integral part of the planning process. We are saying that our plan for the future for these particular lands is like so, whether that plan means development or whether that plan means conservation and preservation. I do not think you can associate one without the other. I do not think you can say the Niagara Escarpment plan is different and apart from the planning process. It is an integral part of the planning process. You have to admit it sounds—

**Mr. Sterling:** I want you to tell me of one city, one municipality of the 44 that are involved with the Niagara Escarpment Commission that does not want its townships developed, to grow, to expand, to be economically more viable through the development of the escarpment. There is an inherent conflict between preserving something for park land, escarpment or whichever you want to say, and what municipal councillors normally want to do. That is the way it is.

**Hon. Mr. Eakins:** Let me just ask if you have a problem with the decisions that have been made to date. I say it to both members. There is a process that must be gone through, through the commission, and there is the opportunity there for input to a hearing officer. There have been decisions made to date with regard to certain applications before them. Are you concerned, or do you find fault, with the decisions that have been made to date in regard to an amendment

process? You are talking about development, about all communities wanting to develop. There is a process they must go through. Do you have a concern as to what decisions have been made to date?

When these amendments come in, rather than just look at them as pieces of paper, I go out and look at them personally on many occasions and take an interest in them, to see how they appear to me. I feel I know what I am talking about when we talk about amendments. I do not know them all, but I do look at quite a number of them so that I feel better informed to discuss the decision that is made by either the commission or the hearing officer. I think, in all cases, we have supported the commission and the hearing officers.

**Mr. Polsinelli:** Before they respond, Mr. Chairman, in response to Mr. Sterling's question, I have just been advised that the region of Niagara and the region of St. Catharines, for example, do not want that growth. They want more preservation. You asked for some of them. There are a couple of them.

**Mr. Sterling:** That is not where the problems are.

**Mr. Polsinelli:** No, but it just ties into your question.

**Hon. Mr. Eakins:** They are strong views with all the people who live there.

**Mrs. Grier:** I would like to respond to the minister's invitation.

**Mr. Chairman:** Before you do that, could I just interject for a moment. I am going to have to leave the chair for a period of time. I am going to call on the vice-chairman, Mr. Faubert, to take over for a minute. In this order: I think the two critics would like to respond to the question put by the minister, the deputy would like to speak and then Mr. Fleet has a supplementary.

The other point I would like to clarify is that we set aside, by agreement, any or all of this morning to talk about the Niagara Escarpment Commission. The minister still has a reply to give, and that has been timetabled theoretically for this afternoon. If you finish up the commission work before I get back, that is what we will be doing.

**Hon. Mr. Eakins:** I just want to put on record that I am open to whatever time you people would like. It does not matter to me at all. I just want time to wind up some comments that were made other than on the Niagara Escarpment Commission.

**1050**



**Mrs. Grier:** Okay. Let me just say that I assume your going out and looking at the cases means those cases that come to the highest level of appeal or objection. I think I am as concerned with what were, I think, 1,300 applications and consents that were considered by the commission itself last year. What we do not have, and what this monitoring presumably will show us, is what the cumulative effects of all those decisions will be.

When you ask me whether I am dissatisfied with any particular decision, I cannot answer that question, because I have not seen the kind of monitoring or the kind of evaluation that I gather your ministry is now going to be doing. What concerns me is the fact that I find the commission perhaps can now meet only every three weeks instead of every two weeks and that it cannot afford to be represented by lawyers at hearings.

Quite apart from the major decisions and recommendations that you or cabinet may be making, I think it is very possible to undermine the intent of the plan, and to render the commission less effective than it might otherwise be by constraint on its budget and on its ability to operate in the way in which was first envisaged. I guess I would like to have some comment from you on the whole issue of constraint, which I know has been brought to your attention by commission members and by others over the course of the last few months.

**Mr. Sterling:** Maybe I could respond to your question before you go back and respond to her question. I would like to get into the same thing Mrs. Grier is involved in. My response is that I have no evidence to date—I have not seen all the monitoring data, but I have read some things about it—that there is a problem there. Evidently there was more of a problem two years ago than there is now with regard to some of the decisions at the hearing level.

I hold judgement on that, but my real concern is that by cutting back the budget of the NEC, as I am told has been done, you are not getting a reasonable and rational process when you are dealing with these matters. I think Mrs. Grier has alluded to this, that they cannot pay the per diem for members so they have to have a meeting every three weeks instead of two weeks.

That means the guy who is applying for his development permit becomes more disgruntled with the system and it is a longer time before they can administratively deal with it. They do not have the staff because of the increase in the number of development permits. I think it has gone from about 800 a year to about 1,300 a year

over the last three or four years. They do not have the staff to go out and look at the sites and properly advise the members of the commission what to do. I think that is what Mrs. Grier was getting at. I guess our concern is more with what is being done, or appears to be being done, to undermine the plan, not in a direct manner but an indirect manner.

**Hon. Mr. Eakins:** Let me say again that we are very supportive of the plan. I do not think we are doing anything to undermine the plan. We are very supportive of it.

Let me say that in anticipating government-wide constraints, our ministry implemented an internal holdback of 10 per cent on the operating expenditures last May. Everyone was subject to that. The NEC was part of this constraint. I think it was identified as something like \$34,000, which out of \$1.8 million, I do not think is a lot. That does not necessarily mean a commission has to change a lot of its meeting dates, in my view.

**Mr. Sterling:** It depends if you have more work or less work.

**Hon. Mr. Eakins:** Let me tell you the total ministry met the government-wide constraints that were requested last June. From extra funds generated by this internal holdback above government constraints, the ministry has been able to respond to new spending pressures, including those of the NEC. It is my intention to allocate an additional approximately \$158,000 to the Niagara Escarpment budget from ministry funds.

**Mrs. Grier:** That is over and above the \$1,759,000 that is in estimates?

**Hon. Mr. Eakins:** Yes. That is a one-time expenditure, and I think that is pretty good. We have responded to other special needs, special concerns they have. I do not have the figures with me, but perhaps the deputy might have those. When we are talking simply about the \$34,000 that was a holdback as part of the general constraint program, you have to look at the other special projects we have been able to assist and fund at other times. I think that that is the positive approach.

**Mr. Obonsawin:** Just to pick up on the minister's comment, if you are going to judge support by a financial perspective, the minister has indicated what he is willing to do this year, and is doing this year, in response to pressures that were raised by the Niagara Escarpment Commission during this fiscal year.

Last year, I think it is important to note, we also allocated to the NEC—I do not have the exact figure—somewhere over \$300,000 to meet some

of the pressures and some of the initiatives it wanted to do that year.

Concerning meetings and additional meetings and all of that, the commission has the same dollars it always has had. I think the commission has decided internally to replace some of its meetings by policy meetings, which means that instead of looking over developmental permits, it discusses policy issues. I think that is good and it is to be commended for that. But it decided that and I am not going to tell it it cannot do that or should not do that.

On developmental permits and the process and the number of people, this is one of the issues Cresap spoke of, that there is another way, which is just as effective and just as dedicated to the plan, to handle the developmental permit approval process. We are working on that with the commission to try to speed some of those up, which will then free resources and people to do some of those other things you are talking about.

Certainly, as the chief administrative officer—if that is the correct term for this ministry—I am responsible for ensuring not only that we get additional resources for all our programs but also that we maximize the use of current resources.

In the year I have been here, I think it is fair to say that I have worked closely with the chairman and the commission. I have been to three or four meetings of the commission and talked about financial issues, explaining to commission members what it is we should be jointly looking at. I do not think it is a tale out of school that at my second meeting with the commission, I was surprised to learn that most commission members did not even realize how many dollars they had and how the dollars were being spent. I wanted to make them much more aware of the dollars they had, the budgets they had and how they were spending them.

Again, I look at this as part of the ongoing sensitization and learning process we are all going through. We have to make sure the resources we have are being well spent. That is all I can say. I do not want to argue with your statements. I am just trying to put our actions into perspective.

**Mr. Sterling:** It is very difficult—

**The Vice-Chairman:** Are you responding to the deputy minister?

**Mr. Sterling:** Yes, on the financial situation in terms of that. I appreciate your giving those resources to the escarpment commission.

**Hon. Mr. Eakins:** I think it shows our commitment.

**Mr. Sterling:** I would hope it does.

**Hon. Mr. Eakins:** We are not just looking at the \$34,000. Let's take a look at the other things we have been doing to support the commission. In addition to that, I think it is interesting to put on the record that the chairman and I are meeting monthly to make sure we are up to date in discussing the issues and the needs of the commission.

**Mr. Sterling:** As you know, as a member of the opposition, unless you go in and talk to the people and see the operation, it is very difficult to comment on whether what the ministry is doing for them is adequate, but I thank you for reconsidering their budget.

All I can say is that for \$2 million, in terms of land use and in planning, you are probably getting the best deal anywhere in Ontario with regard to what this commission has done for 44 municipalities, for 440 kilometres of a beautiful part of our province. I think you are getting one hell of a deal because you have some really outstanding people working for the commission who have been there a long time. I tell you, if they did not believe in it, they would have left a long time ago because of the pressures and the work they put out.

I know they were doing that back when I was there and I know those same people are still out there slugging it out, notwithstanding the fact they may well be overworked in what they are doing.

Mrs. Grier wanted to go on with that.

**1100**

**Mrs. Grier:** To stay on the financial aspect, I want to talk about the parks acquisition program. I wonder if the minister could give us an update as to how that program is proceeding and the moneys attached to that.

**The Vice-Chairman:** Before we change to that subject, Mrs. Grier, Mr. Fleet had a supplementary somewhere down the line. He is on the chairman's list.

**Mr. Fleet:** It was not so much in rotation as it was a supplementary, and we have now passed a little bit beyond where I would have put it in.

I would just preface my question by saying that my basic philosophic inclination is perhaps on the side that has been expressed by Mrs. Grier and Mr. Sterling in terms of being anxious that the commission is fully able to carry out what has been described as the preservation mandate.

You may have already touched on this directly, and I apologize if I just did not pick it up, but is there somebody in the ministry who is



expressly responsible as being an advocate of the mandate that falls under the commission? I heard it is not really anybody's specific instruction to carry out that function.

**Mr. Obonsawin:** As an advocate for the commission?

**Mr. Fleet:** Yes. Once the commission makes a decision, it sounds as if it goes through—

**Mr. Obonsawin:** The commission, through its chairman, reports to the minister, and I view the minister as being the chief champion of the commission and the plan. From an administrative perspective, we have a unit of about six people—I should know that—within the planning side, not the municipal affairs side but the planning side, which is totally dedicated to working with the commission and developing our policies and advising the minister on what happens in the Niagara Escarpment plan area.

**Mr. Fleet:** Is it accurately described then as an advocate of the position of the commission or as adjudicator between any conflict in the position a municipality takes and the commissioners take?

**Hon. Mr. Eakins:** The commission is composed of people who are appointed and elected people, a cross-section of the people. We tried to make sure that a number of the people who serve there are recommended by you who are members. I think I wrote to all the members who live along the Niagara Escarpment route asking for input as to people they might want to recommend who might serve on the commission. We asked the municipalities to make recommendations of people they felt might represent that particular area of the escarpment on the commission.

I have faith that the people who are appointed or elected to the commission are people who are going to uphold the principle of the Niagara Escarpment plan and what it is all about and be supportive.

**Mr. Fleet:** It is not the people on the commission I had a particular concern about; it is more the administrative structure inside the ministry. It was touched on earlier and I was not really clear whether there was a person or a section designated to be an advocate if a commission position were under fire in any way because of the municipalities, or really, from any other development pressure.

**Mr. Obonsawin:** I guess from an administrative perspective, the advocate, if you wish, the minister's main adviser on commission issues, is the chairman. The commission was set up to report to the minister. The chairman meets the minister, as indicated, on a much more regular

basis now than at any other time in history because of the sensitivity from our minister that a number of issues are now coming to the top.

I think it is appropriate to say that our staff advocates the positions for the commission as they come up at regular meetings and sensitizes us to what the issues are, but it is probably also correct to say they also have a ministerial responsibility, which is to look at and to advise the minister on all the various aspects that surround an issue. It is their responsibility to tell the minister, "If we proceed in such a direction on such an issue, here are all the other implications," whereas the commission chairman and staff would probably advocate a much stronger commission message or commission perspective.

In all of this—I did not take up my rebuttal time when we talked earlier about advocacy and we talked about where the commission should be placed and the planning process, I was interested in Mr. Sterling's comment about the appropriate placing of the commission. I had not really thought about it in those terms before. What I heard you saying, Mr. Sterling, was more to do with the concern about potential amalgamation of an escarpment act, an environmental act and a planning act. That was one of your concerns.

I think that just shifting the commission from one ministry to another probably in the long run would not deal with that issue. But when we talk about the advocacy and about who is doing what, we put much effort and time into working closely with the commission. We see the commission members as spokespeople. They have representation from the municipal sector and from various interest groups allied with—

**Mr. Sterling:** Do they have you?

**Mr. Obonsawin:** Well, yes, they do; they have our Minister of Municipal Affairs. That is where we are getting into your discussion.

**Hon. Mr. Eakins:** There are three elements: the commission, the hearing officer and the minister.

**Mrs. Grier:** Could I have a supplementary on that whole question of appointments that Mr. Fleet raised? I guess I am disturbed by the minister's brief description of how he seeks nominees. That to me reflects one of the things I think is wrong with the process.

The minister indicated he went to those members who had an interest in the escarpment and the municipalities. With all due respect, I think what is needed on the commission—the municipalities have their own representatives there—is representatives of the broad public



interest and the entire province. I get a strong sense that the ministry does not perhaps grasp the depth of commitment to preservation of the escarpment all across this province, not just by those who are involved and who live on it.

I would like to get some comment from the minister as to how the next round of appointments is going to be made. One of the members appointed a couple of years ago—he is no longer a member of the commission—openly stated he was not in favour of the Niagara Escarpment Commission plan. To me, the fact that someone holding those views could be appointed to the commission undercuts the assertions I have just heard that the commission is the prime advocate for the plan.

How you do you intend to make sure that does not happen again and seek broadly based conservationist nominees to offset the municipal nominees, who have a very particular interest when they are appointed?

**Hon. Mr. Eakins:** We try to get a broad section of views. When you look at the commission, there is representation, I believe, from the Coalition on the Niagara Escarpment. We have written to your party asking for your thoughts on this. We have not had a reply yet.

**Mrs. Grier:** I have not seen the letter, but I will make sure I do.

**Hon. Mr. Eakins:** I can assure you it is there.

**Mrs. Grier:** Okay.

**Hon. Mr. Eakins:** What better way to get a broad representation than to go to people, the elected people here in the Legislature, who can come, as you have today, and openly talk about the Niagara Escarpment Act and the commission and what we are doing or not doing? This is the forum to do it in. If we are going to make sure we have a strong commission, we want to make sure we have a strong cross-section of voices on there. That is why we asked our members: "Do you have recommendations for the commission? We want to hear from you." If there is a better process, let me know.

I want to tell you, I am as committed to it as you are. I am as committed to the Niagara Escarpment plan and commission as anyone in this room. I believe in it. That is why I am saying to you to take a look at the actions since I have been the minister of one year, and tell me in what way I have not been committed to that plan. Take a look at the amendment process, which I have gone through here. Can you bring to my attention today decisions that you feel are not in keeping with that plan? Let's talk about it.

**Mrs. Grier:** I appreciate that strong commitment, and I interpret that to mean that people appointed to the commission are going to be people who strongly support preservation of the escarpment and the objectives of the legislation. I really welcome that.

I cannot today show you amendments that I disagree with, but when the monitoring information and the Cresap recommendations are made available to us, I will certainly make you aware if I have any specific difficulties and welcome the opportunity to do that.

I want to move to parks acquisition and perhaps ask for an update if we have finished the appointments.

1110

**Mr. Sterling:** Could I just do something on the appointments? I understand all the appointments come up in February of each year. I would really like the minister to consider staggering the appointments, if possible.

**Hon. Mr. Eakins:** Good idea. I do not think they should all be on and all off at one time, I think there should be a staggered system.

**Mr. Sterling:** I would like you to do that.

**Hon. Mr. Eakins:** At least I am interested in looking at that.

**Mr. Sterling:** I think the other thing I would really appreciate your considering is the possibility for the public-at-large appointments—if they are to represent the public at large, then I think these people who are appointed should not be frightened of examination by a parliamentary committee of this Legislature.

What I would like to ask you to consider is the report of the standing committee on the Legislative Assembly where we dealt with appointments to commissions and boards. If you look at that report, what it recommended for all commissions is that there be a process whereby a candidate for an appointee would have to come in front of the committee. The committee would not have the power to turn him down, but the person would be placed in front of that committee to ask him questions.

I think you would show a great deal of leadership if you would say to new appointees particularly, the ones representing the public at large, "If you want to be part of the commission, then there are members of the Legislature who have an interest in the Niagara Escarpment plan and we would like you to go in front of that committee and answer questions about your feelings about the escarpment." I would like you to consider that. I do not know if you have an

answer for me now or if you would prefer to consider that and respond to me later.

**Hon. Mr. Eakins:** I do not have a direct answer to that right now. You are speaking of appointments. Generally, it might be something that might be considered all over in general appointments.

It has always been my feeling, though, that when one has served, it is most appropriate that the people having served a period of time might submit a report as to how they found their year or years of stewardship on that particular board, commission or whatever, not just the Niagara Escarpment Commission. I think it is important that perhaps people who have served might not just leave but give us the benefit of their time and experience on that particular board or commission.

I will certainly make a note of your comments.

**Mr. Sterling:** I think that is a good idea as well. I guess my concern in terms of the tenor of what has gone on here today is that the Niagara Escarpment Commission finds out the advocate of the plan. Therefore, I want to be certain, as a member of this Legislature, that the people who are appointed or are seeking to be appointed to the Niagara Escarpment Commission truly believe in the plan and want to interpret that plan in a fair and meaningful manner in looking at particularly section 2 of the Niagara Escarpment Planning and Development Act.

I really think it would probably be politically smart for you to do. It would probably ensure that the appointees you were looking at were taking the job seriously and knew what it was all about.

I would ask you to seriously consider that, notwithstanding what the government does generally with regard to the whole appointment process. I am sure you will have to consult your other colleagues, because you would be a leader in terms of doing something like this, but I think it is probably one of the commissions where you could make the best argument for that kind of a process.

**Hon. Mr. Eakins:** I appreciate your comments. There are a lot of different views of the people who live in the escarpment area, and I think it is important that the membership support what the Niagara Escarpment is all about but can also reflect the views of the people they represent there.

**Mr. Sterling:** That is what the municipal appointments are anyway.

**Hon. Mr. Eakins:** I appreciate the comment you have made.

**Mrs. Grier:** I want to turn to parks acquisition and would certainly appreciate an update as to where that is at, what funds are available and what kind of a time frame you see for extensive completion of the proposed acquisitions.

**Hon. Mr. Eakins:** Les, can you give us more of an update on that?

**Mr. Fincham:** I can give you a general update; I do not have the specifics with me as to what we have actually acquired and what remains to be acquired. As you may know, \$25 million is earmarked for the escarpment land acquisition program to be flowed to the Ontario Heritage Foundation at the rate of \$2.5 million over a 10-year period. I believe the figure that has already been given to the OHF is roughly \$10 million. It is hoped this is the year for that program.

The program is based on a willing-buyer, willing-seller arrangement. We do not expropriate lands that are scheduled for acquisition. There are 103 or 105 properties that are identified on an acquisition schedule for acquisition. A number of these have been acquired, but we are still negotiating on a number of others. I would be happy to give you the details this afternoon on just which properties have been acquired and which have not.

**Mrs. Grier:** That would be very helpful to have.

**Hon. Mr. Eakins:** It is my understanding that since June 1985, subject to correction, there has been a total of \$7,365,823 spent to acquire 1,495 hectares of escarpment lands required to keep the park system and the Bruce Trail.

**Mrs. Grier:** I certainly welcome some breakdown of that.

The other question that came out of an earlier comment and which I had not had a chance to ask was about the three regional municipalities that you mentioned, I think, that had brought their plans into conformity.

**Hon. Mr. Eakins:** Yes.

**Mrs. Grier:** I am wondering, will all of the others be brought into conformity with the plan before you begin the five-year review, or what is your timetable for that?

**Hon. Mr. Eakins:** Where do we stand on that, Les?

**Mr. Fincham:** That is certainly the intention. Whether we can accomplish that or not remains to be seen. Since the current legislation requires us to identify all the conflicts in a municipal plan, it is a fairly extensive exercise. Perhaps if we are successful in getting some changes to the



legislation we can simplify that process and we will have all the plans in compliance with the Niagara Escarpment plan. It would certainly help to have all the municipal plans in conformity when we are doing the five-year review.

**Mrs. Grier:** What sorts of changes in legislation are you contemplating?

**Mr. Fincham:** To remove that detailed identification of conflicts and give us an opportunity through two processes: either ordering the plan into conformity through a ministerial order or through the normal official plan process. There are a number of municipal documents before us now which are trying to incorporate Niagara Escarpment policies among other policies and update their plans.

**Mrs. Grier:** Thank you very much.

**Mr. Sterling:** I just had some finishing comments I wanted to make about the escarpment, but I do not have any other questions as such. Did you have anything else?

**Mrs. Grier:** No, I think my specific questions have been answered and I am certainly grateful for the opportunity to do that. I, too, would like to just make some comments.

**Mr. Sterling:** First of all, I would like to thank the minister for being forthright with us. In particular, I am looking forward to receiving the Cresap report. I think it is unfortunate that Mrs. Grier had to go to the extent of writing a letter and has had to wait for a period of time. It would have been nice to have it before this time. I am looking forward to receiving some of the data on the monitoring of the plan.

I really would like you to think through the comments that I made about the problem of what I perceive as being an inherent conflict between your ministry and the role of the commission. I do not think it is satisfactory to say that the commission can be the advocate within your ministry for the plan. Notwithstanding that, if there are conflicts on the other side of an issue which is dealing with this particular plan, that should not take place at the bureaucratic levels. The conflict should be resolved at the political level between yourself and perhaps another minister. The fact of the matter remains that those who would not uphold the intent of the Niagara Escarpment plan would win within your ministry, which is a possibility that you may or may not even hear about as a minister, then you, as a minister, may never really deal with the actual conflict that takes place and make a political decision on it.

1120

The other thing is that if in fact that happens, not in an overt way but in a quiet way across your ministry, you are the minister who is responsible for the budget of this particular commission, and therefore it can happen that the intent of the Niagara Escarpment plan can be beat in two ways.

It can be beat if there is a political will to beat it, and that is fine and dandy if that is what the elected representatives want. That is not where my party stands, that is obviously not where I stand on it and I know it is not where Mrs. Grier stands, but if that is what the future politicians decide, it is too bad but that is part of the process.

The other way it can happen is that a squeeze can take place on the commission, and I have had some indication that that squeeze was under way. I am pleased that you are giving the commission more money, but as I said before, you are probably getting one of the best deals in all of Ontario in terms of planning. It is probably the only environmental plan in terms of land use in all of Ontario, and I only wish the government of Ontario would take the model used in the Niagara Escarpment area and place that upon other natural areas that we have in this province where there are inherent municipal conflicts from municipality to municipality and different planning goals when you are dealing with common natural boundaries in different watersheds, in different areas where we have groups of lakes and that kind of thing. I only wish our government, when we were in power, had taken a more active role in creating a number of planning areas, which I believe you can even do under the Planning Act at this particular time.

I think you should be looking at other areas in the province to take the model of the Niagara Escarpment plan and place it on other parts of the province so that we can ensure the future people of our province some of the natural beauty we enjoy today.

**Mrs. Grier:** I too really appreciate the opportunity to get into an issue which is very dear to my heart and which, let me say again to the minister, is very dear to the hearts of a lot of people all across the province. As my colleague has said, it is the only place in the province where you have actual planning taking place in an environmentally sensitive area.

I think an opportunity for the minister to have a very real imprint on the process of planning in this province is in the Niagara Escarpment. Nobody will remember 10 years from now development applications in one municipality or



another, but everyone will know and be familiar with the escarpment, and while its process of coming to a plan was a difficult gestation period and aroused a lot of conflict, I think it is fair to say that it has now been accepted. While there may well be some local controversies and differences of opinion about specific developments, most of the municipalities accept the fact that it is a fait accompli and are prepared to see it supported.

I think that the growing public support is evidenced by the development of groups in Milton, the Keep the Escarpment Environment Protected group and the Protect our Water and Environmental Resources group in Acton. Local environmental and community groups are rising to say: "Preserve the escarpment. We thought we had preserved it; let's keep it the way it is."

I want to say to the minister that while we may be opposition critics, we are certainly his supporters and partners in protecting the escarpment. As long as that is being done, we certainly will be supportive and will share the battle with him if he is having to fight with other colleagues on his own side of the floor in opposition to encroachment and whittling away, as I said, of what is a very special and precious area of Ontario.

**Hon. Mr. Eakins:** I just want to make some comments before we leave the question of the concerns of the Niagara Escarpment. I want to thank Mrs. Grier and Mr. Sterling for their comments this morning. I think the criticism has been very positive and that this has been a good forum to discuss the concerns of the Niagara Escarpment. I appreciate the forum and that you have taken the time to come here this morning to talk about this. I want to assure you that, as minister, I am committed to the preservation of the Niagara Escarpment. I can certainly tell you that it is a priority of this government.

My ministry's commitment has been demonstrated by my recommendations on amendments to the plan, which have been approved during the past year and which I referred to previously. The approved amendments have been in keeping with the plan objectives and policies. I have personally visited many of the sites to confirm that they are in keeping with the intent of the plan. I might also add that all amendments have been supported by the commission.

For the program to be successful, three ingredients are needed: commitment, involvement and a consensus.

Commitment on the part of the Ministry of Municipal Affairs alone of course is not enough.

We also need commitment on the part of municipalities, public interest groups and land owners. To foster an all-round commitment, I have tried to ensure there is a balance in the administration of the plan. For example, as you know, I have encouraged the bed-and-breakfast establishments, which are not only compatible with conservation but also meet the economic goals of municipalities.

The key success in the past year, as I mentioned previously, is the fact that three regional official plans have been brought into conformity with the Niagara Escarpment plan, those being Halton, Hamilton-Wentworth and Niagara. To encourage involvement and therefore help arrive at a consensus, I have met with individual interest groups, namely, the Coalition on the Niagara Escarpment. I have met with the municipalities to hear their concerns at first hand. I have also hosted, as I mentioned, the two municipal forums and one public forum, and we certainly invited all members who were involved in the jurisdictions along the Niagara Escarpment to attend the last one.

The Niagara Escarpment program has also been the subject of an independent review, as we have talked about, by the Cresap consultants. It is part of the ongoing evaluation of all the government programs. That is just one area. I hope to communicate the results of these discussions to everyone in the new year.

In addition, a five-year review of the escarpment will be initiated in 1990, as required by the act, and the preparations for the review are already under way. Again, input will be sought from all parties involved in the Niagara Escarpment Commission.

I appreciate the comments that have been made today. We will take very seriously the concerns raised by the spokesmen for the two opposition parties.

**The Vice-Chairman:** I guess we will go back now to the opposition on vote 2501, ministry administration program. Do you want to get into that now?

**Mrs. Grier:** I am not a regular member of the committee and came only for the Niagara Escarpment discussion. I do not know where my colleagues are, but I am prepared to go make some phone calls.

**The Vice-Chairman:** Oh, you came only for this.

**Mr. Callahan:** I saw them going up and down the elevators.

**Hon. Mr. Eakins:** If I might just interject here, I indicated I would make a response on and

make as much time available for the Niagara Escarpment concerns as possible. Of course, especially for our opposition friends, the agenda is at your disposal. I also said that this afternoon I would respond to the previous remarks, if that would be a more appropriate time. If you want those this morning, I would be glad to put them on the record. If you would rather wait for this afternoon, that is fine with me.

**Mr. Sterling :** How many hours do we have left?

**Clerk of the Committee:** We began at 10 minutes after 10. If we go to 12 o'clock, we will be an hour and 50 minutes. That will leave us about 41 minutes for this afternoon.

**Mr. Polsinelli:** This is up to the opposition parties, but given that this afternoon will be a short afternoon in the House and there being only about 40 minutes left for this committee, maybe the opposition would consider going a few minutes extra this morning, avoiding having to sit this afternoon.

**Mr. Sterling:** I would agree with that, but we are not the regular critics. I would prefer the critics who were involved with—

**Mr. Polsinelli:** There is still half an hour left in this morning's session. If you contact the critics, they may be able to hear the remaining 30 minutes.

**Hon. Mr. Eakins:** A recess.

**Mrs. Grier:** A recess of five minutes? Mr. Breaugh knew I was coming this morning and anticipated we would be into this.

**Mr. Polsinelli:** We may be able to use the 30 minutes this morning rather than the 30 minutes this afternoon.

**Mrs. Grier:** It makes sense. Okay, I will find a body.

**The Vice-Chairman:** Are you moving for a recess? We can declare a recess for five minutes while you contact the critics.

The committee recessed at 11:31 a.m.

1140

**Mr. Chairman:** The chair recognizes a quorum. There has been a recess. By consensus, we are to have the minister make his statement, which was the second component of the consensus we arrived at last day. When the Niagara Escarpment Commission's concerns were satisfied, the minister would come back with a statement to reply to the two critics and their rebuttal of his opening statement. I recognize the minister.

**Hon. Mr. Eakins:** Just before starting to reply to the comments by the two opposition critics last week, the critic for the official opposition, Mr. Breaugh, asked about the Ontario municipal audit bureau. I just want to table that report this morning and say there will be a number of copies sufficient to the requirements of this committee.

I would like to begin by thanking my two colleagues for their very constructive comments last week. They raised several important points and I would be pleased to respond to them now.

A number of comments were made about municipal financing. Both my colleagues expressed an interest in the announcement of the provincial transfer payments to municipalities. As the two gentlemen know, the Treasurer of Ontario (Mr. R. F. Nixon) announced on Monday that transfer payments to municipalities have been increased for next year by 5.4 per cent. That is above the rate of inflation.

The member for Oshawa (Mr. Breaugh) raised the question of the effect of proposed changes to the federal sales tax on local governments. The Treasurer of Ontario and I are following with great interest the federal government's various proposals. We at the Ministry of Municipal Affairs are certainly interested in their impact on municipalities.

All I can really say is that Michael Wilson promised last December that "municipalities, hospitals, school boards and universities should not bear a greater tax burden under a new national sales tax program than they would under existing sales tax regimes". We will try to hold him to his word on that.

My colleague the member for Oshawa asked how the ministry can require municipalities to undertake five-year capital forecasts when provincial transfer payments are announced annually.

I point out in passing that my government has announced transfer payments far earlier each year than the previous government has in the past. A large portion of those transfer payments is available to municipalities with no strings attached, to spend as they please. It would be unrealistic to expect that the government could announce funding levels for provincial transfer payments five years in advance.

I would also point out that although the Ontario Municipal Board may require a five-year capital forecast under certain circumstances, my ministry has no such requirement. We do, however, recommend that as one part of a program of sound financial management.



In that case, we do not suggest it is necessary to prepare a detailed budget, carved in stone, for a five-year period. We do suggest that they try to forecast to the best of their ability the major capital expenditures they will have to undertake over the following five years—where the major pressures will be. We ask them to consider how they might pay for those expenditures.

There is no guarantee, as they go through this exercise, that their circumstances will not change over the coming five years, that unforeseen expenditures will not be necessary or that revenues will not be exactly as anticipated. In spite of that uncertainty, which we all face, the five-year capital forecast is an essential tool that helps municipalities recognize the pressures coming in the future and set priorities to deal with those pressures.

Both of my colleagues mentioned lot levies last week. Last week's discussion has been overtaken by events. On Monday, the Treasurer tabled a green paper on financing growth-related capital needs.

My ministry has been involved in this issue, as it relates to municipalities, for some time. We brought together representatives of Ontario's municipalities with representatives of the building industry. We met with them over time and we reached a consensus on the municipal portion. That consensus is reflected to a great extent in the green paper. All the parties to those discussions have agreed on the principle of lot levies to cover capital costs associated with growth. They have agreed there must be rules to ensure lot levies are fair and equitable, and they have reached a consensus about what those rules should be.

Now the government has decided to broaden its proposed policy to include a provision for financing the construction of new schools required as a result of growth. There will be further consultation before any legislation is introduced. I urge my colleagues to make their views known, as I am sure they will. I note that the member for Markham (Mr. Cousens), in his comments last week, mentioned his support of lot levies for school boards when he was chairman of the York Region Board of Education.

Both the member for Markham and the member for Oshawa raised the issue of the housing policy statement and why the government did not set its objectives for immediate implementation. As required under section 3 of the Planning Act, 1983, a draft policy statement has been sent to all municipalities and interest groups for comment.

The deadline for all responses is February 28, 1989. At that time all comments will be reviewed and recommendations will be presented to cabinet in early spring. At that point, a final policy statement will be released. In the meantime, municipalities are expected to recognize the government's land use objectives when planning is being done.

The staff of both the Ministry of Housing and the Ministry of Municipal Affairs are working closely with municipalities to explain the policy statement and to give advice on how it can be implemented. Staff are also taking the draft policy statement into account when they review applications currently being submitted for approval.

Concern was also expressed about whether the 25 per cent affordable housing target—

**Mr. Cousens:** Excuse me. Did you make that policy statement public?

**Hon. Mr. Eakins:** It is being circulated to all municipalities.

**Mr. Cousens:** For input?

**Hon. Mr. Eakins:** Yes, indeed.

**Mr. Cousens:** Could I get another copy of it, please?

**Hon. Mr. Eakins:** Certainly.

**Mr. Cousens:** As soon as possible?

**Hon. Mr. Eakins:** Certainly.

Concern was also expressed about whether the 25 per cent affordable housing target contained in the draft policy statement is working. As I just mentioned, the policy statement is still at the consultation stage. However, the 25 per cent affordable housing objective is a target we want all municipalities to try to achieve.

My ministry as well as the Ministry of Housing will monitor how well the policy is being implemented once the policy statement is finalized. In the interim, a number of initiatives have been taken to help municipalities achieve the 25 per cent affordable housing target. Milt Farrow, who is with us today, former assistant deputy minister of this ministry, has been appointed special adviser to work with municipalities in reaching the government's 25 per cent objective.

In addition, an advocacy task force has been set up in the Ministry of Housing to support municipalities in their effort to provide affordable housing.

The member for Markham and the member for Oshawa also asked why Bill 128, An Act to Amend the Planning Act, 1983, has not been brought forward. Bill 128 was given first reading in the Legislature on May 4, 1988. At that time,



two opposition amendments were introduced: first, that the legislation designate 25 per cent of housing as affordable, and second, that every official plan define the term "affordable."

While this ministry agrees with the spirit of the suggested amendments, after consultation with other ministries, it was agreed the best approach to achieving the objectives was through a policy statement.

**1150**

In addition, Mr. Jackson introduced a third amendment relating to exclusionary bylaws. My ministry, in consultation with other ministries, municipalities and student groups, has carefully considered this amendment. Based on the result of our consultations, we will determine the best approach.

Every effort is being made to come up with a solution early in the new year, because I feel it is imperative that Bill 128 be passed in this session.

Both my colleagues expressed concern about the development process in York region. I would like to assure the committee that I too am concerned about what is happening there. So far, though, no concern has been expressed about the planning process itself. If there are problems with the process, I ask the members to tell us where improvements can be made. We would appreciate hearing some specific areas for improvement and some recommendations.

The concerns I have are with the way in which the process is being managed in certain municipalities in York region. As the committee knows, there is currently an Ontario Provincial Police investigation going on in Richmond Hill and Markham, and I would hope that if anything illegal has been done, the police will discover that and appropriate charges will be laid.

At the same time, we are concerned that the management procedures in place within the municipality may not be adequate to deal with the rapid growth that is occurring, so we are also undertaking a management review in Richmond Hill. The results of that review should be of use not only to the town of Richmond Hill, but to other rapidly growing municipalities as well.

I have never ruled out the possibility of a public inquiry in York region, but I would like to see the results of the investigations that are already under way before I make that decision. I feel it would be more appropriate.

Again, we welcome any and all suggestions from the opposition that might help us face the challenges ahead.

The member for Markham referred to a request by York region for a regional review along the

lines of those under way in Niagara and in Haldimand-Norfolk. In fact, the request we received was for a financial review, and it came only from the three southern municipalities in York region. No request was received from the region itself and the review was opposed by the other area municipalities.

In any event, as I said last week, I will not be undertaking any new regional reviews until I have had a chance to look at the results of those already under way. Perhaps from those reviews there will be some common threads that will help other regions without the necessity of a full, comprehensive review. These reviews are expensive and I am hoping that we will be able, through those, to identify some common principles that will apply to all regions.

The member for Oshawa expressed concern about the practice in some municipalities of conducting business behind closed doors. I have gone on record a number of times as saying that council business should be conducted openly, so that council can be held accountable by the public for its actions. I am considering various legislative and other methods of ensuring that openness.

My colleague pointed out, quite rightly, that some business must be conducted in private, so any legislation we might introduce will have to strike the right balance to avoid making it more difficult for councils to do their business in the public interest.

Once again, if either of my colleagues has any specific recommendations about how to accomplish that, I would be pleased to hear them.

Both my colleagues mentioned the Ottawa-Carleton regional review. I have just received David Bartlett's final report within the last few days. I have not yet had time to read it, but it is now being examined by my staff. At the same time, it is being translated and prepared for printing. I would anticipate being able to release it in the spring, as soon as that translation is completed. I will, of course, circulate the report for further public input before taking any action on its recommendations.

Several questions were raised last week about the municipal elections. Some of those questions had to do with the timing of the changes we made to the election process.

I would point out to the committee that we first announced the changes last December. Early in the new year we put on a series of seminars for councillors and would-be councillors that were very well attended, and the changes to the election process were discussed in some detail at those seminars. We put out a candidate's guide to

municipal elections that was widely available and explained the process in both English and French.

Furthermore, I must say that the media did, I feel, an exceptional job of explaining the new rules to the public. The Toronto papers devoted a good deal of space to it, and certainly in my home town, and I am sure in many others, the paper made a point of explaining the election process to their readers.

I note too that in spite of the comments made by my colleagues in the Legislature last summer, voter turnout in both Oshawa and Markham, I am pleased to say, was higher this year than in 1985.

I will say, though, that if any weaknesses become apparent as a result of our experience this November, we will be glad to review the legislation and fine-tune it where necessary.

The member for Oshawa asked about the recounts in the city of Toronto. There does not seem to be any inherent problem with voting machines. They worked well in Etobicoke, Mississauga and a number of other places.

I can only say that my job is to set up the structure for the municipal elections, not to cut the paper for the ballots. It is up to the clerk to run the elections within the rules set out by my ministry. Those rules seem to be working well elsewhere, and while I would have liked to see the Toronto election go more smoothly, I am sure the municipality and the courts, if necessary, will sort out the problems that have come up.

Finally, there is the question of the fund-raising rules as they relate to acclaimed candidates. I would remind the committee that the rule in question was examined by all three parties when the bill was being looked at by the standing committee on general government. We will be reviewing it, though, and again, I would be glad to hear from my colleagues if they have any specific suggestions about changes that could be made. As I said before, I will be prepared to make whatever changes are appropriate.

That is a general reply to a number of the concerns that were raised by my colleagues.

**Mr. Chairman:** Thank you. Because of discussions I had with various members of the committee during the recess, unless there is some objection, I propose to call at the end of this session votes 2501, 2502, 2503, 2504, 2505 and 2506, with all items in each case.

We have a few minutes left. I would entertain a question or two on the understanding—unless there is some objection to my calling the votes—that if the bells go calling us to a vote in the House, I will call the vote at that time.

**Mr. Cousens:** How much time is left in our total estimates?

**Mr. Chairman:** Roughly speaking, we had two hours and 31 minutes when we began today. I think we got going about five after 10. I think there would be about 35 minutes.

**Mr. Cousens:** Is there no way we can go after 12 noon, or do we come back this afternoon? I have a number of questions that come out of the minister's statement.

**Mr. Chairman:** My concern is that we will probably be called to a vote in the House and have to adjourn then, so we will have to come back this afternoon.

**Mr. Cousens:** I think we should, then, because I have a number of questions on lot levies, on the grants, on Bill 128, on a number of things that came out of the minister's statement. I think it is so important because we had such a short time for the estimates. If we could go a little longer now, then I would be happy to just—the minister could get back to me, if you want to do it that way. I have several points.

**Mr. Chairman:** Let us establish, then, that we will be coming back this afternoon. I would appreciate it because of the nature of this being the last afternoon. We may not have to wait until 3:30 to get started. What I would like to do is start 10 minutes after routine proceedings are finished so that we can do this, because there are going to be some votes starting about 4:30, I understand, and I think most of us want to be in the House for those votes. I would like to complete the estimates before 4:30, if we can.

**Mr. Cousens:** I am sure we can.

First of all, in talking about York region, I am concerned the minister did not receive a request from the region and I will try to find in my files the copy of the letter that was sent to the minister's attention. You were not the minister at the time, but I am very certain there was a request, which I referred to last week.

When you talk about the need for a review of York region, I think you have said when the time is appropriate. I do not have a copy of the remarks; everybody else is reading from the remarks you made. It would have been helpful if you had circulated it since it was all typed up. Certainly, people along the head table and your staff had it. It would have been very helpful for me if those remarks had been here and I could have made some notes on it to get the exact wording.

**Hon. Mr. Eakins:** I think I can get you a copy. I do not know what they were reading from.



**Mr. Cousens:** You were reading a copy, I am sure, were you not?

**Mr. Polsinelli:** Mr. Cousens, I am the minister's parliamentary assistant and I have a copy of the remarks, but to my understanding they have not been circulated.

**Mr. Cousens:** Were there not other copies at the head table?

**Mr. Polsinelli:** No, but if you like—

**Mr. Cousens:** I thought one of the desks had a copy.

**Mr. Whitwell:** I was looking at a previous draft. I do not have the latest one; sorry.

**Mr. Cousens:** The point I make is, here you are saying, "Let's rush and get out of here." I want to get the data. I could make some notes better if it were tabled and I had a chance to go through it at the time. I could refer to it. It is obviously prepared. If we wanted to save time, if we had had it before this morning, I could have had a chance to table these questions in the time it took to—

1200

**Mr. Chairman:** As chairman, I would like to set the record straight here. I have had communication with all three parties with a request to terminate the estimates by noon today. It was not the minister or any of his staff who suggested that. It came from the committee, not from the minister or the ministry.

**Hon. Mr. Eakins:** I will stay as long as you want.

**Mr. Chairman:** That is fine.

**Hon. Mr. Eakins:** I will take the responsibility for not providing those. I did not feel, since it was a response, that there was the same desire as my opening comments. I will accept that criticism.

**Mr. Cousens:** When is it appropriate for the review of York region? When is the appropriate time? In fact, there is a police investigation going on now, and how long is it going to take to do that police investigation? When, in your mind, would the appropriate time be for a public inquiry on York region? It is not just York region; it is Durham and the high-growth areas that are going through the concerns that we have tried to express that have come out of York region.

**Hon. Mr. Eakins:** Mentioning York region, it just started back, I guess, in the summertime when a gentleman, Mr. Death, in Richmond Hill asked for a commission of inquiry. At the time we answered the concerns that he had and I felt that without further evidence a commission of

inquiry was not warranted at that time. At the same time, the Ontario Provincial Police investigation was under way in Richmond Hill which, as you know, has now been expanded.

I just feel that it would be inappropriate, with the OPP investigation, to call a commission of inquiry. In fact, it is my understanding that it would be difficult for a commission of inquiry to get under way and to have people to come and testify who are perhaps being investigated by the OPP. Simply, when the OPP investigation is over we will take a look and see if it is still appropriate to have a commission of inquiry.

I must say to my critic that not only in York region but also in other areas of the province where people have concerns, the first thing they ask for is a commission of inquiry, whether it is warranted or not. We try to explain to them when we communicate with them just what a commission of inquiry entails, so that perhaps what they have in mind is not a real commission of inquiry but answers to their concerns. We try to do that both with our ministry staff and with independent consultants, which we did in the case of Belleville. If someone has a concern, there is the route through the Municipal Conflict of Interest Act to take that action. I have said publicly that I am not really satisfied with the act as it is now written and I have mentioned, I think, in the House and outside that I am going to look into the conflict of interest act. Is there a better act? You will have opportunity for that input too.

**Mr. Cousens:** When?

**Hon. Mr. Eakins:** I would not want to say when this will get under way. I am as concerned as you are.

**Mr. Cousens:** When will the Ontario Provincial Police review be finished?

**Hon. Mr. Eakins:** It is my understanding that it should be finished by either the end of this month or very early in January. I know there is concern that this might go on for several years, but the information I have is that it will be completed very quickly.

**Mr. Cousens:** Why is it taking so long for the Ottawa-Carleton report? You have got it now and you are saying it will be spring by the time we receive it. Are there going to be any changes made to the report that are causing the delay? Is it not possible to get it out sooner? Does it take three months to have it translated?

**Hon. Mr. Eakins:** The deputy might want to comment, but it is my understanding that the people who do the translation have to translate it and then do the printing. I will make it available.



Just as soon as it has been translated and printed, it will be available.

**Mr. Cousens:** Are changes going to be made to the report from what is there now?

**Mr. Obonsawin:** No. It is strictly one of translation.

**Hon. Mr. Eakins:** The report that Mr. Bartlett will produce will not be changed. His report will be translated and printed, and there will be no changes made to it, from my point of view. I am looking forward to the opportunity of reviewing it not only with the staff but with Mr. Bartlett, getting input and getting an opportunity to look at it. It has just arrived, I guess, within the last week.

**Mr. Chairman:** I would like to interject at this point, if I may. The clerk indicates to me that the House adjourned. Apparently there was not a bell vote. It is 12:05 now, so I propose that we adjourn until—

**Mr. Cousens:** If the chairman wants to forget about the clock for five minutes, we might be able to finish it off now, if you want to.

**Mr. Chairman:** Is this the wish of the committee?

**Hon. Mr. Eakins:** Sure. Why not?

**Mr. Chairman:** Fine.

**Mr. Cousens:** Thank you. I am as anxious that we not come back too, and I am not even going to get on all the things that I wanted to, but maybe if the minister would agree to give friendly feedback on other questions I will have that come out of this—

**Hon. Mr. Eakins:** I will be glad to do that. Sure.

**Mr. Cousens:** With respect to lot levies, with whom did you consult? You said there was consultation between the ministry and certain people in the industry. Could you tell me whom you did consult with, maybe on a separate sheet of paper, but get back to me who was involved in that consultation?

**Hon. Mr. Eakins:** I can give you a quick answer, if you want. Any other questions? If you just want to put them all together, I will respond to you, but quickly, on the municipal lot levies, we have consulted with the Urban Development Institute, the Ontario Home Builders' Association and the Association of Municipalities of Ontario, along with the people in our own ministry. That has been ongoing for a year.

**Mr. Chairman:** Mr. Cousens, if I might interject, this kind of situation came up at the end of one of the other estimates, and for the record,

if you would feel better about it, you might want to read all of your questions into the record to save a little bit of time, because the minister has indicated he will reply to all of the questions you want to put. It is up to you.

**Mr. Cousens:** That is fine.

I would like to know why the minister had the emphasis on conditional grants versus unconditional grants in his allocations.

I would like to know, especially with the schedule coming in when we return in January, he is possibly going to get Bill 128 in there. I do not see that being an emphasis, certainly at this point, but when is he going to schedule it? Our House leader has not heard about it anyway.

I am most anxious to know when he is going to have the management review from Richmond Hill completed. Is that going to be public, and what is the status of it right now?

I asked last week, and he referred to it in his remarks, about acclaimed candidates having a problem paying—if he does not do something on it soon, it is not going to be possible to make it retroactive, especially with the situation that I had that was sent to him regarding a candidate in Ottawa-Carleton.

On page 73 of vote 2502 it notes,

“An expenditure increase necessary to defray the expenses of implementing a new voter identification system for local government elections and an increase for regional government reviews for the regional municipalities of Haldimand-Norfolk, Niagara and Ottawa-Carleton.”

I would like to know when all the others are going to be completed. There is a certain amount yet to be tabled.

On another issue, I am interested in knowing the policy on group homes. On page 90 of the estimates there is some comment on it. I would be very interested in knowing if the ministry has a policy on group homes. Is there? Maybe you can just nod your head. Is there a policy on group homes?

**Mr. Obonsawin:** It is a government policy.

**Mr. Cousens:** Is there one from your ministry?

**Mr. Obonsawin:** None that I am aware of.

**Mr. Cousens:** Are there any guidelines that you follow in the establishment of group homes?

**Mr. Polsinelli:** I believe there is a government policy and that is available.

**Mr. Obonsawin:** There is a government policy, yes.

**Mr. Cousens:** I have seen the document prepared for one of the ministries, but I wonder if your ministry has any policy statement or guideline for group homes.

**Mr. Obonsawin:** Not that I am aware of, but I will ask our planning people.

Yes, it is government-wide.

**Mr. Cousens:** The capital housing incentive grants on page 94 were underspent by \$70,000. I would like to know why. I have a feeling that this was a successful program and it was not renewed. Why?

The housing intensification program certainly has a number of concerns around it. I am just wondering, really, what is your long-term strategy for it. The contribution for 1988-89 was \$1 million. Was that all spent, and what are your plans on it for the future?

It does not do justice to all the points. I think I will just leave it at that.

I am concerned about the transfer payments and I would like to have some rationale, a statement as to why you have weighted it towards conditional and unconditional in the way you

have. I think that is a significant move on your ministry's part and will take away from some of the autonomy in the actions by local councils. I am surprised there has not been far more of an outcry on the way you have weighted the funding.

In view of the fact that everyone is being patient and there is a Christmas spirit, I am concerned about a number of issues on this and a response from the minister as open as possible will be appreciated.

**Hon. Mr. Eakins:** I will be glad to do that.

**Mr. Chairman:** Thank you very much.

**Mr. Callahan:** God bless us, everyone.

**Mr. Chairman:** As I indicated earlier, I propose to call votes 2501 to 2506 inclusive, all items in each case.

Votes 2501 to 2506, inclusive, agreed to.

Shall the estimates of the Ministry of Municipal Affairs be reported to the House?

Agreed to.

The committee adjourned at 12:11 p.m.

## CONTENTS

**Thursday, December 15, 1988**

<b>Estimates, Ministry of Municipal Affairs</b> .....	G-331
<b>Adjournment</b> .....	G-352

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

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Callahan, Robert V. (Brampton South L)

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Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

**Substitutions:**

Cousens, W. Donald (Markham PC) for Mr. McLean

Grier, Ruth A. (Etobicoke-Lakeshore NDP) for Ms. Bryden

Polsinelli, Claudio (Yorkview L) for Mr. Ruprecht

Sterling, Norman W. (Carleton PC) for Mr. Cureatz

**Clerk:** Carrozza, Franco

**Witnesses:**

**From the Ministry of Municipal Affairs:**

Obonsawin, Donald A., Deputy Minister

Sypnowich, Marcia, Assistant Deputy Minister, Municipal Affairs

Whitwell, Kenneth, Assistant Deputy Minister, Community Planning

Fincham, Leslie J., Director, Central and Southwest, Plans Administration Branch













No. G-10

# **Hansard**

## **Official Report of Debates**

### Legislative Assembly of Ontario

#### **Standing Committee on General Government**

Estimates, Ministry of Labour

Crédits, ministère du Travail

**First Session, 34th Parliament**

Thursday, January 12, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Thursday, January 12, 1989**

The committee met at 10:15 a.m. in room 228.

ESTIMATES, MINISTRY OF LABOUR

CRÉDITS, MINISTÈRE DU TRAVAIL

**Mr. Chairman:** The chair recognizes a quorum. As the estimates of the Ministry of Labour get under way, I would like to make a couple of preliminary remarks, before we call on the minister to make an opening statement, just for the guidelines for this initial part of our consideration.

In this first phase, the standing orders call for an opening statement by the minister, a response to that opening statement by the official opposition and then by the third party. Then the minister has an opportunity to reply to those two responses. At the end of that go-around, we go into the rotation, and when we go into the standard rotation we obviously begin with the official opposition, then the third party and the government side.

If there is going to be an item or two or a vote, because in this instance in this ministry we have seven votes with a number of items in some of the votes, we have to decide on a timing basis if we as a committee wish to address particular points of view or items. We have found in the past that rather than going through the estimates line by line, the most expeditious way of handling this kind of consideration is that we talk to the first vote. In this instance, I believe it is vote 2201. In that way, we can address any item in the ministry. Again, if we as a committee want a timed vote, we have to decide how long that time will be. It is by consensus and the committee decides that.

With those opening remarks, I would like to call on the minister to make his opening statement.

**Mr. Mackenzie:** Mr. Chairman, just before that, can I add to your opening comments? I think you are right about past practice and it probably makes more sense that most of the arguments or comments people are going to make are made in context of the first vote, the statements and the responses. I have no difficulty with that. My experience has been that the rest of it, other than some specific questions, goes relatively quickly

once we get through the opening rounds, if you like.

I do not intend to include the workers' compensation part in my opening statement. I have no difficulty with that if our critic in that area can make a brief statement when we reach that stage. Otherwise, I would like to have her make her remarks as part of my statement, but I know she is not available today so I would rather have her make a few comments when we get to the Workers' Compensation Board vote. I do not know if that is a variation; I do not really think it is. That is the only comment I have.

**Mr. Chairman:** I appreciate that kind of input up front and that is exactly what I was alluding to. If there are any special considerations, like this one, as long as we know in advance we can schedule it in any way the committee or a member of the committee wishes. It is by consensus of the committee and I have found the committee to be very accommodating on that kind of request, so I expect there will be no problem with that at all. Just let us know when she will be available and we will settle on approximately how much time we will need.

**Mr. Mackenzie:** That is perfectly okay with me.

**Hon. Mr. Sorbara:** May I say a word on that as well?

**Mr. Chairman:** Yes, very definitely.

**Hon. Mr. Sorbara:** Just before I begin, I want to say for the benefit of the organization of the committee's business that Vic Pathe, who I think everyone knows, the assistant deputy minister for industrial relations, will not be available as part of the representation from the ministry today or on the day currently scheduled as the final day for hearings. If members could agree to deal with his industrial relations division matters next Thursday, that would be helpful. I do not think we have to make a strict rule, but I want to advise members of the committee that we would appreciate that accommodation.

**Mr. Mackenzie:** No problem. I take it that it is not an illness or anything.

**Hon. Mr. Sorbara:** No, just other commitments.

**Mr. Chairman:** Is there any problem with that suggestion for anybody from the committee?



We will assume then that we will do that next Thursday, January 19. Go ahead.

1020

**Hon. Mr. Sorbara:** I am pleased to be here today to introduce the 1988-89 spending estimates of the Ministry of Labour.

Before I begin, I would like also to introduce the senior officials from the Ministry of Labour who will be on hand at least today—some others will be over the next while—to provide supplementary information as need be.

First of all, of course, to my immediate left is the assistant deputy minister of Labour, Glenn Thompson. Within the committee room are Tim Millard, assistant deputy minister for occupational health and safety; Arthur Gladstone, executive director of labour programs; Fred Peters, executive director for finance and administration; Ms. Tracy Shultis, acting manager for information and analysis for the health and safety division; my own special assistant, Scott Nicoll; Richard Prial, solicitor with the Ontario Labour Relations Board; and Harry Shardlow, director of employment adjustment with the employment standards branch.

During the past year, the Ministry of Labour has focused a great deal of effort on initiatives in the core areas that make up our mandate. These initiatives have been shaped by a clear sense of purpose as we take steps to meet the issues we see emerging in Ontario's labour market.

We are striving to develop policies for the labour market that will contribute to the continued economic success and wellbeing of workers in Ontario and the enterprises that benefit from their labour. In essence this means policies, and as appropriate legislation, to ensure the workplaces of this province operate safely, equitably and effectively.

The need for such policies and legislation is clear. In Ontario, our workplaces are facing increased pressure to change and that pressure is coming from new technology and shifting patterns of international competitiveness. For some industries, this will mean hardship and loss of jobs; for others, it will mean new opportunities that create a greater demand for skilled workers. What is more, the free trade agreement between Canada and the United States will intensify this whole process of industrial restructuring.

While the workplace is under pressure to change, the workforce is also changing. To begin with, the baby boom generation is ageing, and in doing so is moving the average age of Ontario's working population upwards. A second and equally profound change in the makeup of

Ontario's workforce is that the percentage of women in it is steadily increasing, and increasing dramatically.

Combined, these changes in the workplace and the workforce create some fundamental employment issues for this province, issues that the Ministry of Labour must ultimately play a major role in addressing. Let me illustrate.

For a start, because of the ageing effect the baby boom phenomenon is having on our entire working population, the new skills needed because of industrial restructuring will have to come increasingly through retraining of prime age and older workers. There simply will not be enough skilled young recruits entering the workforce.

This means employers will have to be willing to spend time and money on programs to replace old skills with new, while employees will have to be willing to learn and to adapt to change and innovation. And because these things are likely to succeed only in a climate of trust and co-operation, better labour-management relations are becoming more important than ever.

Ceci veut dire que les employeurs devront consentir à investir du temps et de l'argent dans des programmes destinés à permettre aux travailleurs de remplacer leurs anciennes compétences par de nouvelles; et, de plus, ces derniers devront être en mesure de s'adapter aux changements. Puisque ces changements ne pourront connaître du succès que dans un climat de confiance et de collaboration, d'excellentes relations entre employeurs et travailleurs seront d'une importance capitale.

Secondly, by the turn of this century, half of Ontario's workforce will be female. The steady increase in the number of working women outside the home is placing considerable pressure on the family. Seventy per cent of Ontario families have no stay-at-home parent. What is more, we have in our midst today what is called the sandwich generation, people who have to look after both children and elderly parents while working outside the home. Balancing work with family responsibilities is becoming tougher than ever and there is an urgent need for new attitudes and approaches to employment to relieve some of the pressures.

The issues are clearly defined: The workplace must change, the workforce is already changing and employers and employees alike are being challenged to adapt. The challenge we face is to ensure that the legislation governing the workplace will help them adapt. This means it will have to ensure fair treatment for all workers, and

at the same time, enhance productivity and competitiveness. Quite simply, fairness and effectiveness in the workplace are the goals we are pursuing in our labour market regulation. We see these goals as complementary.

We believe a workplace that operates fairly also operates effectively. In an environment that is restructuring, people will more readily embrace new challenges and learn new skills when they are confident, first, that health and safety on the job will be safeguarded; second, that if injury or illness should occur, that injury or illness will not lead to permanent exile from the workplace and a life of financial hardship; third, that regardless of gender, fair wages will be paid based on the value of the work performed; fourth, that the need to meet family as well as workplace responsibilities will be recognized and accommodated; and finally, that the collective bargaining process will continue to work effectively to help safeguard opportunities in the labour market.

There are fundamental employment issues emerging in this province and the Ministry of Labour is addressing them. As I mentioned at the outset, the goals we are pursuing are clearly reflected in the initiatives undertaken during the past year. Now, let me highlight the progress we have made in the core areas that make up my mandate: occupational health and safety, workers' compensation policy, pay equity, employment standards and labour-management relations.

First is occupational health and safety. We are acutely aware at the Ministry of Labour that a workplace cannot truly operate fairly, equitably and effectively unless the health and safety of employees are safeguarded. Over the past year, therefore, we have focused a great deal of our effort on ways and means of making the workplace a safer and healthier place.

One of those means has been our participation in the preparation and implementation of the workplace hazardous materials information system, known as WHMIS, which came into effect across Canada on October 31, 1988.

As you will recall, the authority for WHMIS in Ontario was originally granted by the passing of Bill 79, our right-to-know legislation. Under WHMIS, employers must ensure that workers are able to recognize and understand the labelling on hazardous materials, to understand material safety data sheets, and through that understanding, to safely use, store, handle and dispose of hazardous materials.

Worker training is most critical to the success of the WHMIS program, and the Ministry of Labour has financed the development of a training package that is available to employers and employees through the province's nine safety associations and the Ontario Federation of Labour's Worker Health and Safety Centre.

As you know, we are extending the right to know in Ontario by adding two extra sets of regulations to the WHMIS package. The first set will require that inventories of all hazardous materials in the workplace be listed and that those lists be made available to the community as well as to workers. The second set will require that physical agents such as heat and radiation be included as hazardous materials.

From the start, the development of WHMIS has been a fine example of a co-operative and consultative process among labour, management and government, a process that leads to consensus and smoother implementation of workplace legislation to the benefit of all the parties. In keeping with the spirit of WHMIS, the Ministry of Labour has been working to strengthen the consultative process and to involve labour and management more directly and effectively in the performance of the occupational health and safety system.

#### 1030

We intend that labour and management should accept greater responsibility and authority for the development of workplace standards, bearing in mind that government must and will continue to have ultimate responsibility for the policies and for the legislation. It is clear to us this process will work effectively only if regular and ongoing consultative mechanisms are in place. Therefore, we have been creating opportunities, principally through a joint committee structure, where labour and management can meet at the same table to help us shape and develop initiatives.

One of the oldest of these committees is the Mining Legislative Review Committee, a labour-management body with an independent chairman. We have been so encouraged by the success of this committee in developing amendments to the mining regulations that we are using it as a model to establish a similar committee to review regulations for industrial establishments.

While this industrial committee will be broad-based, we also plan to establish joint committees, as needed, to focus on specific industries. One that is already in place is the recently formed Forestry Tripartite Committee, made up of labour, management and government representatives, that will develop and implement safety



training programs for the province's logging industry.

As committee members may recall, in late 1987 we established the Joint Steering Committee on Hazardous Substances in the Workplace. Made up of equal numbers of representatives from labour and management, and chaired by Tim Millard, our assistant deputy minister of occupational health and safety, this committee has made significant progress during the last year.

For one thing, it has been able to establish a number of principles, jointly agreed to by labour and management, in approaching the problem of regulating hazardous substances. In addition, the steering committee expects to soon receive reports from the three task forces it established to evaluate the effectiveness of biomedical surveillance, develop a regulatory framework for the control of hazardous substances and define the process for setting exposure values.

We have also set up two tripartite committees to help us develop those additional sets of right-to-know regulations that I mentioned earlier.

In this same spirit of consultation with the workplace parties, we have been preparing to bring forward amendments to the Occupational Health and Safety Act itself. These amendments, which I propose to introduce into the Legislature soon, are the result of months of intensive consultation with labour and industry. I am confident they will move us closer to the preventive system in occupational health and safety that we are determined to build here in Ontario.

Ces amendements, que je propose de présenter bientôt devant la Législature, sont le résultat de nombreux mois de consultations intensives avec les représentants des travailleurs, ainsi qu'avec le secteur industriel. De plus, j'ai confiance que ce système préventif, dans le domaine de la santé et de la sécurité au travail, nous permettra de reconnaître l'objectif que nous nous sommes fixé ici en Ontario.

During the year, we took an additional step to achieve healthier working conditions in this province by introducing a bill to restrict smoking in the workplace. The bill will cover all workplaces within provincial jurisdiction, and under it work areas in which smoking is permitted will be the exception rather than the rule. This legislation is intended to come into effect on July 1, 1989, and would make Ontario the first province in Canada to take such a step.

Next, I would like to deal with and focus on workers' compensation. If the workplace is to operate fairly, then it must also respond to the needs of workers who, despite our preventive efforts, do become ill or injured on the job. This is what we are trying to ensure through Bill 162, which is a series of amendments to the Workers' Compensation Act that we consider to be critical to the fair and effective operation of the workers' compensation system in this province.

Quite simply, the intent of Bill 162 is to make the workers' compensation system more equitable and effective for injured workers and employers and to do so without further pressure on the cost structure. There are two basic thrusts contained in the bill. The first is to provide injured workers with a fair and genuine chance to return to work and to start making a living again as soon as they are able to do so. The second is to make sure that workers who have suffered permanent disabilities because of injuries or illness on the job are compensated fairly and appropriately.

We are restructuring the workers' compensation system to better help injured workers return to their jobs and to the stimulus and fulfilment of employment. Bill 162 will make this happen as speedily and as effectively as possible through a new emphasis on vocational rehabilitation and a statutory obligation on employers to reinstate injured workers.

When it is passed, the legislation will oblige the Workers' Compensation Board to contact injured workers within 45 days to quickly identify any need for vocational rehabilitation services. What is more, if vocational rehabilitation is needed, the board has to design a program in consultation with the worker and the employer. The bill will also require employers to reinstate rehabilitated workers who are able to return to work. If the workers cannot perform their old jobs, then they must be offered the first suitable job that becomes available.

We are also restructuring the compensation system to pay to injured workers benefits that are more realistically aligned to the wages that they may lose because of a permanent impairment. Again, Bill 162 will enable us to achieve this by linking financial benefits directly to prospective wage loss. The bill will also provide for the payment of a lump sum award to help make up for the loss of enjoyment of life workers will suffer because of their disability.

Wage-loss benefits will be determined one year after an accident. However, Bill 162 also makes provision for the WCB to carry out two



reviews of the initial compensation award. In effect, this provides two more opportunities to ensure an accurate and fair assessment.

There are other improvements to financial compensation under Bill 162. For example, the earnings ceiling on which wage-loss benefits are calculated will be raised. This will allow the compensation system to cover the wage levels of 95 per cent of the people who work in this province.

These then are the principal measures of Bill 162, which is designed to make our compensation system fairer and more effective within a cost-neutral framework. To be sure, Bill 162 has raised some concerns from both labour and business groups, concerns that the Ministry of Labour is looking at very closely. I expect to hear more about these during the committee hearings on the bill, which will begin, as I understand it, next month.

These proposed amendments represent the first step in a round of comprehensive reform that we intend for the workers' compensation system. The nature of further reforms will be the focus of a future green paper. We are in the process of setting up an advisory committee, made up of representatives of labour and management groups, to help us develop the agenda for study which will result in this green paper.

As you know, the annual report of the Workers' Compensation Board is presented to this assembly separately. At this time, therefore, I do not plan to list its activities in great detail. However, I would like to touch briefly on some of the activities of both the office of the worker adviser and the office of the employer adviser, which were established under Bill 101.

The office of the worker adviser has been actively dealing with its heavy workload. For example, it has established a new early intervention policy that is proving to be a successful way of offering short-term assistance to injured workers, training sessions have been completed for all MPP assistants and other advocates in the community who assist injured workers, the office has published and distributed to MPPs the highly regarded Caseworkers' Guide to Workers' Compensation and it has also made self-help materials available to injured workers in six languages.

The office of the employer adviser has been equally active. For example, during the 1988-89 fiscal year, the office of the employer adviser will have participated as a representative on behalf of employers in over 200 hearings before the Workers' Compensation Appeals Tribunal.

As well, in that same period the office of the employer adviser will have been contacted by over 6,000 employers, will have reached over 12,000 employers face to face, will have opened 1,700 new files and will have conducted 200 external events and training seminars.

#### 1040

In addition, we are also encouraged by the results of an independent survey which indicates that 96 per cent of the firms that have used the office of the employer adviser's services will do so again, and that 87 per cent of them rated the service as good to excellent.

Now let me draw your attention to pay equity. As you know, the Pay Equity Act came into effect on January 1, 1988. The act is groundbreaking legislation that is redressing gender-based wage discrimination in Ontario. As an initiative towards ensuring a fair and equitable workplace, I think you will agree that it is a strongly progressive step of which this province can be truly proud.

By its terms, all public sector employers must develop, post and begin implementing pay equity plans on January 1, 1990. Private sector employers with 500 or more employees must develop and post plans by that same date, while smaller firms have a longer time frame for compliance.

The Pay Equity Commission of Ontario, created by the act, was fully established and staffed during the past year under the direction of its commissioner, Dr. George Podrebarac. I include here the Pay Equity Hearings Tribunal that will provide binding resolution for all disputes that arise under the Pay Equity Act. This tribunal is chaired by Beth Symes, a Toronto lawyer and former partner in a firm specializing in labour law.

The commission has been focusing its efforts on developing awareness and understanding among employers and employees as to the intent of the act and of their rights and responsibilities under it. This has been accomplished through an array of initiatives; for example, the preparation and distribution of 12 interpretive guidelines to help the labour and management communities better implement pay equity; a wide range of seminars, workshops and speaking engagements; a telephone inquiry service to answer specific questions; an in-depth course on pay equity developed in co-operation with the community colleges of this province, and designed to help companies and their human resources staff to clearly understand and comply with the act; an ambitious publications program that includes newsletters, pamphlets and videotapes.

As well, the commission also undertook and has completed a study of predominantly female establishments, as required by the act. This study involved the investigation of several thousand companies and organizations in nine sectors of the economy in which employees are predominantly female.

In 1989 the commission's focus will be on developing the capacity of employers, employees and bargaining agents to effectively implement pay equity in a timely manner. For example, five major pay equity conferences are scheduled for January and February throughout the province to bring together representatives of employers and employees and to address the challenges of implementation; five more interpretive guidelines will be issued and will deal with the posting of pay equity plans and the process of resolving disputes; educational, informational and research initiatives will continue and will be expanded to include specific consultative components.

The year ahead will be a busy and challenging time for the commission as it oversees pay equity plans that will come into effect by the end of the year and which will impact all workers in the public sector as well as companies that employ 500 or more.

Let me now turn to the Employment Standards Act and the issues that the ministry is addressing in this area.

The Employment Standards Act is the most basic piece of labour market legislation we have. It governs most workplaces and employees in this province and deals with the fundamental conditions of employment. This is the act that regulates, for example, hours of work, minimum wage, vacation pay, notice of termination, equal pay for equal work and pregnancy leave.

It is no exaggeration to say that the Employment Standards Act carries much of the responsibility for fairness in the workplace.

During the 1988-89 fiscal year, a number of highly complex case issues in the area of severance and termination entitlements have been dealt with through mechanisms under the Employment Standards Act. Such cases include, for example, Federated Building Maintenance, Dominion Forge Co. Ltd., Standard Commercial Tobacco, Goodyear Canada Inc. and Canada Machinery Corp. Hearings have been held under the Employment Standards Act in all these cases and decisions have been either been concluded or are pending.

We are also dealing with the more recent and equally complex issues that have arisen from the

insolvency of Massey Combines Corp. and the claims of former employees.

As members of this committee know, I also introduced this year Bill 114, an amendment to the Employment Standards Act that will provide all workers in the retail sector with the right to refuse Sunday work if the workers consider that assignment of Sunday work unreasonable. Bill 114, of course, builds on the direction and spirit of Bill 113, an amendment to the Retail Business Holidays Act that has also been introduced during the year by my colleague the Solicitor General (Mrs. Smith).

It is the intent of the government to create an environment in which Sunday work in the retail sector is voluntary. I believe Bill 114 will encourage employers to work out arrangements for Sunday work that will take into consideration the desire of employees who either wish not to work on Sunday or to keep Sunday work to a minimum.

Bill 114 also would extend statutory holiday provisions to include Boxing Day, or December 26 more specifically, so that all workers would enjoy the same right to premium pay and paid time off that they do for other public holidays. These recent amendments introduced in Bill 114 will add to the basic protection that the Employment Standards Act provides for workers in this province.

Over the years, the Employment Standards Act has been frequently modified and added to in bits and pieces in response to changing conditions and new realities in the workplace. We do recognize the need for a thorough review of the provisions of this act to ensure that they meet the needs of today's workplace. There are a number of things that need to be clearly established. For example: Are the provisions enforceable? Do the adjudicative mechanisms provide fair and efficient resolution of cases?

During the past year we have been involved with the preliminary work and preparation for just such a review that will address the above issues and more. In the meantime, however, we are aware that this act will have to address specific issues in the workplace in the very near future, issues that must be resolved as part of the effort to make Ontario's workplaces operate more fairly and effectively.

One such issue is the need to provide more appropriate leaves of absence for both natural and adoptive parents. In light of the demographic changes that I described to you earlier, we must also take steps to enable workers with both children and elderly parents to maintain an



equitable balance between work and family responsibilities.

As we face the growing pressure for industrial restructuring, it is imperative that we have adequate labour adjustment programs to both assist workers affected by economic change and to ensure that the skill needs of growth industries are met.

As you know, while the provinces do play a substantial role, the major responsibility for labour adjustment policies and programs lies with the federal government, whose mandate includes management of the national economy.

In light of the free trade agreement, our need for a new and comprehensive approach to national labour adjustment policy is clear. As members know, the Premier (Mr. Peterson) of this province has already called for a meeting of first ministers to be held at the earliest possible date to begin the process of developing such a national strategy of labour adjustment in Canada.

In the meantime, the Ministry of Labour, together with other ministries such as the Ministry of Skills Development and the Ministry of Industry, Trade and Technology, has continued to play an active role in labour adjustment programs in Ontario. Through our employment adjustment branch, we continue to provide an employee counselling program for workers affected by large-scale layoffs and plant closures. The adjustment program, as it is known, is designed to help workers to become job-ready. It provides guidance through the job search process and helps workers gain access to appropriate training and relocation programs.

As well, the employment adjustment branch has continued to participate with the federal government in joint industrial adjustment committees designed to handle the placement of workers who have been assisted by the branch's counselling programs.

During the 1987-88 fiscal year, the employment adjustment branch provided adjustment assistance to 2,500 people through 35 counselling programs. Although final numbers are not yet in for the 1988-89 fiscal year, the level of activity to date indicates that our adjustment program is proving to be a valuable mechanism for counselling laid-off workers and helping them become job-ready.

#### 1050

We also continue to play an active role in meeting the challenges of labour adjustment. In particular, we will strive to become involved earlier with companies that are planning layoffs or terminations. This will improve our ability to

help workers make the transition to new employment.

Let me now move to the area of industrial relations. The collective bargaining process, as you well know, is a key mechanism to the fair and effective operation of the workplace. Its smooth operation is a prerequisite for a stable industrial relations climate in which competitiveness and job security can both flourish.

Fortunately, Ontario has a generally proud history in industrial relations. Labour and management have a tradition of working things out at the bargaining table, supported by a legislative framework that also is stable and which encourages self-reliance among the parties. This tradition continued through 1988, which was a relatively busy year for collective bargaining. Some 3,400 agreements expired during the year and were successfully renegotiated. They covered some 540,000 employees in sectors that include mining, primary metals, auto parts, petroleum and chemical manufacturing and the retail trade.

The highlight of the 1988 bargaining year was unquestionably the renewal of the province-wide trade agreements in the industrial, commercial and institutional sector of the construction industry. These agreements, which cover every trade in the province, are renegotiated every two years and, of course, have the potential to disrupt the industry. Indeed, some people expected settlements would be hard to come by because of the current construction boom in Toronto and the shortage of skilled tradespeople. This was not the case. Twenty of the 25 trades settled without any work stoppages. All but one strike was settled within one month. Only two strikes lasted more than three weeks.

We know that the collective bargaining process in this province will be truly tested in the years ahead as the workplace parties adjust to the pressures of change in a new era of increased competitiveness and complex employment issues. Mature relationships will be required, but the events of the past year have convinced me that these already exist.

Clearly, labour and management in this province still maintain a deeply rooted respect for the basic principles of the labour relations process. I therefore have every confidence that the mechanisms of collective bargaining will continue to function successfully in the years ahead, no matter how tough the test is.

This concludes my report on the activities of the Ministry of Labour during the past year. We recognize the employment issues that are emerg-



ing due to changes in both the workplace and the workforce and, as you can see, we are working determinedly to develop labour market policies that will help us address these complex issues.

I trust that I have been able to give you a clear appreciation of the sense of purpose and direction that has guided us during the past year and which is guiding us now. Thank you very much for your kind attention.

**Mr. Chairman:** Before I recognize the critic from the official opposition, I would like to indicate to the committee that I am going to be turning the chair over to the vice-chairman, Frank Faubert, for a period of time. I have been asked to attend another meeting. When Mr. Faubert takes the chair, we will be recognizing the critic from the official opposition.

**The Vice-Chairman:** I think we are all familiar with the procedure related to the estimates and the opportunity for the official opposition party to make its statement and then the third party to make its statement, to which the minister will respond.

**Mr. Mackenzie:** I found the minister's comments interesting. I am not going to respond to them directly in my comments obviously, but there may be some individual parts that certainly will be touched upon in the comments that I have to make.

I also think that while we had some difficulty with the procedure in earlier years, it is probably the best way to do the estimates, simply because if we put most of our effort into the line-by-line approach, we would be repeating items over and over again. I think this way—the minister's statement and our statements and his response to any of it—gives us a chance to cover the broader field.

I would like to start by restating, if I can, the preamble of the Labour Relations Act, something I have done on three or four occasions in the past. Very frankly, I think it needs to be impressed upon and restated to this minister time and again:

"Whereas it is in the public interest of the province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees."

I can tell the minister, if he is not aware of it, it is a point that has been made many, many times. Many situations arise in the labour relations field in the province that certainly do not give labour the feeling that the government's intention is to

promote harmonious relations through free and open collective bargaining. You see that in some of the labour disputes you have or some of the efforts to organize plants. It is a long time since I have been organizing plants, but I still well remember some of the earlier days when that is exactly what I was trying to do.

Let me start by saying we are not moving, in a time of a relatively buoyant economy, to address the very real inequities and unfairness in our society. From this government there has been some consultation, but the general feeling is that there is not any real understanding of the need to promote jobs, safety, security, communication and a better distribution of income for its workforce as a means of improving the quality of life.

Let me deal with a number of my concerns, in no particular order or priority. First, the minister has to be aware of a growing perception on the part of both labour and management that the recently signed free trade agreement is causing some increased tensions in terms of industrial relations and collective bargaining.

For workers, there are the added concerns over employment security; efforts to protect and extend workplace benefits and improvements; the very real perception—and there are some indications in some areas that it has started—that they will be facing employer efforts to reduce costs to maintain and remain competitive at the price of no contract improvements, most often stated recently, or even in some cases take-back efforts in collective bargaining; and the weakening of very broad and universal labour employment and safety standards and legislation as a result of industry and business arguments about the international competitiveness of markets.

For employers, many of the same arguments are used in reverse: the need to compete with low or no minimum wage jurisdictions; the absence of equal standards in terms of legislation and costs and enforcements that we find in other jurisdictions—I think this was an issue that was discussed at some length at the recent Ontario Federation of Labour convention; and also the fact that employers in so many cases are creatures of a foreign owner and must comply with the instructions from the head office if there is now an alternative source of supply, which exists in many cases.

Both sides are feeling an uncertainty about what, if any, direction is likely to come from the government. There certainly has not been any clear indication of what can be expected from this minister or his government in terms of the

changing situation. I think it is fair to say that the past practice in terms of who will have the ear of the government does not particularly add to workers' confidence.

The expression of increasing tension between labour and management has been telegraphed to me by people in the labour movement quite a bit lately. I had a fair discussion on it just yesterday. As well, I am told—and here this is not from personal information, but I was told by officials of the OFL—that the topic has been a matter of some discussion by the chairman of the Ontario Labour Relations Board, Rosalie Abella, who has also indicated that this is an area of concern: increasing tensions as a result of uncertainty, largely as a result of the free trade agreement in this country and what it is going to mean to labour relations in Ontario.

### 1100

As I said, I am not doing this in any particular order, or certainly not in any order of priorities. Let me start with Bill 114 and use it as an example of bad legislation which the minister drafted with no consultation with the unions involved or those who will be very much involved. That is certainly their position, unless he is going to dispute that fact, and I think it is worth reading into the record the OFL statement that was distributed at a press conference here at Queen's Park yesterday.

The comments made are simply as follows:

"Bill 114 is bad legislation by almost every conceivable standard." The minister will be aware that those making the statement were Ken Signoretti of the OF of L, Bob McKay of the Retail, Wholesale and Department Store Union, Tom Kukovica of the United Food and Commercial Workers International Union and Keith Oleksiuk, who is a staff lawyer with the United Steelworkers of America.

"The protection which the Minister of Labour claims his bill will extend to workers in the retail sector is both illusory and discriminatory. Bill 114 is a hoax. The minister's defence of his bill is patently dishonest.

"The Minister of Labour claims that Bill 114 will protect workers in the retail sector from unreasonable Sunday work assignments. In fact, the bill will do nothing of the sort.

"According to the minister retail workers can refuse what they regard as unreasonable Sunday work assignments. Their employer is supposedly constrained from using discipline or other coercion. If their employer judges the work assignments reasonable then he must apply to the employment standards branch for investigation

by an officer and ultimately adjudication by a referee. The worker's initial refusal to work supposedly stands unless and until it is overturned by a referee.

"The question is, will it work, especially in the 90-plus per cent of establishments that are nonunion? An instructive benchmark is the 'right to refuse' that has now existed for more than 10 years in the Occupational Health and Safety Act. In that act a worker can refuse to perform work that he or she judges to be unsafe. To what extent has that right been exercised by nonunion workers? In the past year that right to refuse was exercised on some 450 occasions—but more than 90 per cent of those cases were in unionized establishments.

"A royal commission discussing the threat of asbestos to workers' health and safety had this to say: 'Where workers are not organized in unions, they are likely to be either uninformed of their rights or reluctant to use them fully.'" I can echo that from my own experiences.

"For nonunion workers the right to refuse is a dead letter. It has always been a dead letter and the Minister of Labour is well aware of that fact.

"Employers know very well that they can use various forms of pressure to prevent an employee from exercising his or her rights. During the select committee hearings in 1987, a Canadian Tire manager testified, 'You can pass any legislation you want...there are ways of getting rid of an employee whom one does not wish to have along or who is unco-operative....'

"The reality is that workers in the retail sector, especially where they are unorganized, are far too vulnerable to employer pressure to make their supposed protection under Bill 114 anything except a cruel illusion. The right to refuse unreasonable Sunday work will be as illusory a protection for unorganized workers as is their right to refuse unsafe work.

"The Minister of Labour is well aware of these facts. Indeed, the minister has stated quite openly that he has no plans to increase staffing in his employment standards branch.

"It is in this light that we should consider the minister's promise to fast-track complaints about Sunday work. If we really believed that this would result in even further delays in the ministry's handling of other types of complaints—complaints about excessive overtime, denial of wages, refusal to pay severance, etc.—we would be genuinely concerned. But the reason the minister is not increasing his staffing is that he knows that there will be few workers exercising their right to refuse.



"The final observation we want to make about Bill 114 is that the bill is discriminatory. The Minister of Labour claims that his bill will extend to workers in the retail sector a significant and higher standard of protection from unreasonable Sunday work assignments than is available to other workers. Approximately one third of workers in this province are now in jobs that will entail Sunday work. The minister's bill completely ignores those workers. There is surely no reason why their employers should not also be required to make the same efforts to avoid unreasonable Sunday work assignments.

"But perhaps it does not really matter if Bill 114 is extended to other workplaces. The protection that the Minister of Labour is offering is so illusory as to be virtually meaningless.

"The root of the minister's problem is his government's 'open Sunday policy.' But the Minister of Labour is not serious about protecting workers. The 'open Sunday' policy is a serious error in public policy. But if retail businesses are to be open on Sunday the minister could have taken some significant steps.

"The minister could have followed the advice of the Task Force on Hours of Work and reduced the standard working week from 48 hours to 40 hours with overtime voluntary after 40 hours. He could legislate compulsory premium pay for Sunday work. Or finally, the minister could have legislated two consecutive days off out of every seven for every worker in the province. All of these measures would have reduced or even eliminated the financial incentive for businesses to open on Sunday.

"The minister's bill is nothing but window-dressing. It should be scrapped along with its companion Bill 113."

The minister talks about co-operation with the labour movement in terms of the legislation and the efforts they are making. There clearly was not any there. You have the spokesmen for the two major unions involved and two of the key officials, one of them legal, to take a look at the legal technicalities of it, who appeared at that press conference yesterday to state what they thought of a bill they really do consider useless.

Let me also say to this minister, with some sadness, that unless I misunderstood him, I think he demeaned himself and his government with his arguments yesterday, which I could not understand and found a little bit misleading, concerning the argument I made that delays might occur also within the employment standards appeal route.

If I heard him right, the minister said it was not a problem because the worker was protected during this appeal to an employment standards officer; but this bill clearly talks about reinstatement, I would like to know what protects the worker who is fired after his or her refusal. Is he willing to tell us that is not going to happen in some cases? In many cases, an employer is going to be smart enough to use another reason. Sure, he may get back pay if and when he wins reinstatement but that may be six months later. As I said, as far as I am concerned the minister's comments before the other committee yesterday dealing with Bill 114 were not reality.

Let me deal also for a moment with plant closure legislation to give workers additional notice and protection, better severance and retraining, as well as security of benefits and pensions, and specifically health coverage; something, let me tell you, the Massey employees have learned about the hard way.

If I can for a moment, I want to refer to the now famous, or infamous I guess, depending on whose view you take, accord item. One of the items in that accord states simply that there will be reform of job security legislation, including notice and justification of layoffs and plant shutdowns and improved severance legislation.

The minister should be aware that this commitment, and I think it is fair to call it a commitment, was signed by the Premier. The day he signed it—his signature is attached to it—is May 28, 1985; his signature is on that. We are at January 12 today. In any event, we are getting pretty close to four years since the Premier's signature was put on that accord item. One could be forgiven for feeling that the commitment was not made in good faith.

Is the minister prepared to tell us he will carry out their commitment or at least have the guts to be honest and tell us that he has no intention of doing what was promised in that particular accord item?

Another effect of plant closures and buyouts is the security of workers' coverage in health, pension, vacation pay and any severance pay arrangements. In no case was this more graphically illustrated than that of the employees of the old Massey-Ferguson and White Farm and Varsity complex fiasco.

The minister is well aware of the continuing requests I have made to him and to previous ministers to take steps to protect workers' wages and benefits in bankruptcy, receivership and closure cases. The usual response has been to point out that this is a federal responsibility and



tell us that new federal legislation is coming. That started to wear a little thin as far back as when Bob Elgie was Minister of Labour, some 10 or 12 years ago.

Finally, he said Ontario was prepared to go it alone if the feds did not respond soon. I believe we got a similar promise from Russell Ramsay and also from Bill Wrye, two previous ministers of both Conservative and Liberal persuasion. If I can take just a moment and try to find a comment I found in digging through my files yesterday, quite interesting—I will leave it for the moment, Mr. Chairman, but it was a newspaper article during Bill Wrye's tenure as the Minister of Labour in this province. It went into quite some detail about how they would be coming in soon—this was in 1985—with the legislation to protect workers' benefits; Ontario moving on its own because the feds simply were not moving on it.

#### 1110

We have not had the promised provincial initiative at all, and I would like to know if the minister has any intention of acting in this area of concern. I would also like to say to the minister, and I notice he mentioned it in his opening remarks, that protecting what rightfully belongs to workers—we are increasingly coming to this view and I know the union movement is as well—is not a question of first right or first security of workers' benefits or priority of workers' benefits over other secured creditors. If the business has already been drained my own thinking, and as I said earlier I am sure the feeling of organized labour, is that the answer to security for workers in these cases will have to involve some kind of insurance.

If the minister has been looking into this matter at all, this argument must have been part of the consideration of what can be done. If he is actively looking at the situation, I would certainly appreciate hearing the minister's comments on this matter and, of course, his intentions.

There are a number of auxiliary and serious concerns that spring from the results of plant closures. As an aside, let me underline the older worker category. They are among the most seriously affected in partial and total plant closures.

In Hamilton, information from the economic development department and the evaluation report of the innovations program listed the following figures in terms of plant closures in our town. These were jobs lost due to plant closures in Hamilton-Wentworth in 1987-88: Firestone,

1,300; Greening Donald wire rope division, 150; Inglis, 150; Westinghouse, 100 plus; Lapp Insulators, 60; J. I. Case, 30; Hamilton Foundry, 50; BCE Computers Systems, 15; Otis Elevator, 230; Transelectrix, 200; True Temper, 70; CMC, 114: a total of 2,469.

In addition to those, the following businesses were lost without the job numbers being readily available in this report during 1987: Robinson Cone, Slacan, a division of Slater Steel, Reid-Dominion Packaging, AMN Garment Manufacturing, Westbourne Central Supply, Kiwi Polish Co., MCT Chemicals, Numco Engineering, Canadian Cannery, Robinson's Stoney Creek warehouse.

In Toronto, the Metro Labour Education and Skills Training Centre and their dedicated workers—and they are dedicated workers if you have worked with them—in a presentation on retraining skills and training listed some of the following upcoming closures. There is a point to this that the minister will recognize in a moment as well, but the upcoming closures that they were working on in this report that is just a couple of months old were: Vulcan Packaging—United Steelworkers of America local, Kendal in Toronto, Inglis in Toronto, the Swansea Stelco works, Monarch Foods, Fruehauf Trucks, Toronto Smelters and Refiners, Vulcan Plastics, Toronto Globe and Mail composing room and Pittsburgh Paints. Some of these have actually come about since.

We have a real shortage of useful and effective training programs for workers, particularly older and immigrant workers. Quite frankly, Minister, the labour movement offers more hope, as far as I am concerned, than your government has to date. They have also identified the problems and they seem to be able to get very little help in solving those problems, and they are problems that can be solved.

The feds have a responsibility, but Ontario cannot pass the buck. We have a responsibility as well, I think, and a recent paper prepared by the Metro Labour Education and Skills Training Centre outlines, as far as I am concerned, a rather tragic situation that I do want to put on the record.

We are dealing now with the problems that we have, and I do not know where to start. I do not want to put their whole statement on the record, although I think all of it is useful, but they are talking about their community-based training representatives. The point they are making and the problems they are having here I think are very real ones. This represents an alternative for older workers and as such must first deal with the

shock of a plant closure and then develop realistic training courses.

In affiliation with George Brown College, they have been able to provide information about entrance requirements, training programs and the potential for employment after training. Community-based training programs are an integral first step for workers who have not attended school for decades and whose basic literacy and numeracy must first be upgraded. The issue of literacy for the unemployed is an extremely frustrating one. The federal government will not allow workers to collect unemployment insurance while upgrading English and math. Therefore, the programs offered in the community, or those offered through initiatives like Ontario Basic Skills and Transitions, are totally inaccessible.

If older workers cannot maintain their incomes, they cannot retrain. Yet for all the workers in our program, this upgrading is a necessary first step. Some co-ordination between the Ministry of Skills Development and the federal government is urgently needed in order to ensure that older workers have the guarantee of full income support in order to upgrade basic skills.

For too long the issue of basic upgrading for the unemployed has been batted back and forth between the province and the federal government, with neither side willing to assume the cost of providing workers' income support, either through guaranteed unemployment insurance benefits or, and this is much more desirable, a training allowance. Although the province has recommended such a training allowance, it has not been forthcoming.

Similarly, the program for older workers, which will be cost-shared between the federal government and the provinces, is continually being stalled due to the lack of agreement between the two levels of government. The human cost is the older worker who has spent a lifetime in the workplace and is now being denied access to training.

Although the minister said existing Canadian Jobs Strategy programs are sufficient to meet older workers' needs, only seven per cent of last year's participants were age 45 and older. Clearly, the crisis of the older worker, sure to be exacerbated in any free trade agreement, must be met head-on by both the federal and provincial governments. I am sure other members sitting here today and in the House have run into this problem. We are running into it in Hamilton in the case of older workers. Even if you are able to

access a particular program, you cannot maintain your benefits. Incidentally, this can apply to younger workers too, but we really have the problem with older workers where you need some basic upgrading. If they cannot put the food on the table and meet the bills because they cannot collect UIC, then there is a problem there.

I cannot leave this, I guess, without saying it is simply not going to be good enough when we are dealing with the problems of workers in this province to leave that responsibility with the federal government or to blame the federal government. I simply say to you that we have to deal with it on a local and provincial basis.

I was going to say that you can blame the federal government if you want, but it is a total abdication of the responsibility of the approach to the people. One of the approaches that should be tried is the community-based labour adjustment centres. We have been trying to do that in Hamilton, to put together a program, hopefully getting all-party support. We have certainly made an effort to do that, to deal with some of the problems I have just been talking about.

I do not want to leave the area without putting on the record the December 14 news release—it is a short one—of my colleague Richard Johnston, which I guess is an allied area but it is the same problem; it is about the Skills Development version of affirmative action, which Mr. Johnston labels a disaster. I think the figures give some support to his argument.

"The Liberal government's efforts to introduce affirmative action for women in apprenticeship programs funded by the Ministry of Skills Development are a failure...."

"There is no way the Liberals will reach their goal of 5,000 women in apprenticeship by 1992 when there are less than 2,000 now.... How can the ministry claim affirmative action is working when the percentage of women in these programs has actually fallen to 4.39 per cent from 4.59 per cent in '1987?"

"Figures released by the ministry show a 10 per cent increase in the total number of apprenticeships but only a five per cent increase in the number of women from 1987 to 1988."

"It's nothing more than smoke and mirrors when the Liberals boast of a 50 per cent increase in the number of women apprenticing in the construction industry when, in fact, there are just 114 women out of 17,523 apprentices."

It is an allied area, but I think it underlines a problem there, just like the problem I have outlined in terms of trying to deal with the



questions of immigrant and older workers in plant closure situations.

1120

I want to spend a few minutes on the problem of cleaners' rights and contracting out. Few groups of workers have had less security and more aggravation than cleaning staff in this province. The last confrontation I was directly involved with was the one between Ogden Allied Services workers who were members of Service Employees International Union and Local 204 and the Royal Bank Plaza.

I know you made a commitment, at least the Ontario Federation of Labour feels it was a commitment made, that the cleaners' problems, which is really an ongoing ripoff of these workers, almost always lower-paid, female and immigrant, would be dealt with.

The original schedule, I am told by my colleagues, was that we would have some action on it last spring. It was delayed; I think there was some consultation on that this past fall. What I am wondering once again on this issue, as on so many others, is where we are going, because there is no action on it and there is a distinct and disturbing feeling by those who are involved that this, for some reason or other, has gone by the boards, or we are not likely to see the commitment they felt was assured.

We are now into the spring of 1989 and I would like to ask the minister if this is another case of fiction. Is the minister prepared to tell us that he does intend to live up to this commitment and give us a firm date, or does he have the guts to tell us that he does not intend to live up to the commitment?

I had a number of points, but it would take some fair amount of time if I went into all the arguments and comments we have on this particular cleaners' program.

I should point out to the minister that the problems of the cleaners also often apply to food staffs and other similar occupations, while domestics are another category where the changes that were made did not satisfy many of those involved and were particularly deficient in allowing time off in lieu of overtime.

There are a number of problems in terms of protecting the older workers and workers who are involved in situations like the cleaners' situation where they finally find the courage to organize, and it is not always easy. They usually get a first contract, very rarely a second contract, get their wages up to maybe the \$7 level or in a few cases the \$8 level, and then the employer immediately decides to negotiate with some other supplier for

the services. If they keep their jobs at all they are likely to go back to almost the original rates they started at.

I think there was a commitment there. I can tell you the labour movement thinks there was a commitment there. They are wondering what the hell has happened to that commitment.

I should like to deal also with the ongoing problem of strikebreaking, one that seems to come in waves in our society. Scabbing is, as far as I am concerned, one of the sickest of all the antisocial diseases and comes in many forms, from brutal and direct strikebreaking by scabs, professional or otherwise, or by means of contracting out the strikers' work in a legal strike situation. I think, if the preamble of the Labour Relations Act is to mean what it says, that this is wrong.

I believe some security is provided in terms of the employees of our colleges, where I understand someone cannot be hired to do the work of a striker. If I am correct in that, and I am told I am, then I am wondering why we cannot move a little further afield in terms of what would certainly end the use of strikebreakers; that is the right to refuse a company hiring or putting somebody into a legal striker's job.

Can the minister tell us if he has any intention of protecting workers in legal strike situations from strikebreaking? I think the minister will understand that I put the question in the context of a worker's rights under the Labour Relations Act and in the context of workers' concerns over their rights and security in view of the current free trade/labour relations concerns that are beginning to be expressed in our community.

I would like also to raise for a moment the question of security guards and the separate union problem many of them have. I believe that under collective bargaining, the nonteachers' bargaining units, college bargaining units can include security personnel. I was not aware of that. I was told that just yesterday. If that is the case, why cannot security workers be allowed to become part of the bargaining unit where they are employed in almost any other operation? A change is long overdue here, and I would like to know if the minister is prepared to bring about any changes in this particular area.

If I can, I want to take the minister back to an old chestnut that has bothered me since I was first elected to this place and one of the questions that we hope to be asking when we get to the line-by-line area; that is, employment for the disabled and the handicapped in this province.



Way back in 1976 or 1977—I forget which year it was, but it was the first year that I became the Labour critic for our party in this House—about 85 per cent of those who were handicapped and disabled were not employed. For every government and in almost every year—with extra emphasis, I might say, during the International Year of the Disabled—this was to be a priority for the government.

My interest in this area, apart from concern which I think should be a responsibility of every single member elected to this House, was sparked by some work I had done for some time in my community with epileptics and also with BOOST, the Blind Organization of Ontario with Self-Help Tactics.

My dismay grew year after year when I would ask how we were progressing. While the concern was always expressed and I was told on a couple of occasions that the government really was seriously looking at or seized with the issue, the figures never seemed to change. We seem to maintain our high unemployed percentage among the disabled and handicapped. It was obvious that something much more affirmative than concern was needed in this particular area.

I do not know what the figures are—I have not asked for them in the last year or two—but I am going to be awfully surprised if it is a heck of a lot higher or if it has improved much and we do not find that close to 85 per cent of the handicapped and disabled are still not gainfully employed.

One of the suggestions I have made, after some soul-searching—as I have said before, I have never been quite sure that it is the answer—is for a quota system such as many nations have. One, one and a half, two or three per cent of the workforce in a plant must be hired from among these workers or a tax premium paid to allow other firms to do even better in the numbers that they can hire.

It is three years ago now since we did a little bit of research on it, but I was surprised to find that this legislation does exist in many other countries. I will be the first to admit that when we checked it, we were told it quite often was honoured more in the breach than the compliance, but it was a guideline that seemed to force some action by many of the firms in some of the European countries and even, I am told, in Japan.

Can the minister tell us what the current situation is in terms of the numbers, and can he tell us what steps he is prepared to take or has taken? Specifically, does he have what percentage of our handicapped and disabled are gainful-

ly employed today, and how much has it improved over the last few years?

I want to spend a few minutes dealing with the minimum wage. Surely a minimum wage that does not even meet poverty standards is no incentive to work, nor any help in a fairer distribution of income.

We recently debated my private member's bill to raise the minimum wage to 65 per cent of the average industrial aggregate wage in Ontario. This would have meant, at the time that I moved my bill, just under \$7 an hour. Does anyone really think that is excessive, and does anyone really think that would have the dire consequences some have predicted when every business has to meet the same standards? Surely not.

Unfortunately, both Conservatives and Liberals in their wisdom, or lack of it, voted the bill down. I cannot say that I was overly surprised.

I am wondering if the problem with the inadequate wages of homemakers does not give some members of this House second thoughts when vital services, of growing concern and importance to all of us—I am talking about the growing needs to provide our older citizens, our parents and our grandparents, I might say, with assistance to remain in their homes—are severely threatened by a wage structure in so many areas across this province that pays an inadequate minimum wage level for such a necessary service. If it is, then we are asking for trouble. Indeed, there had better be a change in our thinking of what is an adequate wage for such essential services as home care and health care needs or I think we invite disaster.

We need doctors and we pay \$100,000-plus. We also need nurses every bit as much and we are somewhere around \$25,000 to \$27,000. We will increasingly need health care workers as a growing priority in our society, and they are lucky if they get \$10,000 to \$14,000.

Something is wrong, and I hope that when the minister considers his next move with respect to minimum wages he remembers one of the important recommendations, I think one of the most important, that was made by Judge Thomson, and that was that the minimum wage must be substantially increased.

I am wondering if any of these thoughts or arguments or considerations ever enter into the minds of members when they blindly follow the Canadian Federation of Independent Business or something which screams that it is the end of small business in this country if we start providing a decent wage.

Let me tell you, I am finding wage levels are higher than ours in a number of countries in the world today, and there was a day not too long ago when we led the way in this country of ours.

1130

Recently, I have had correspondence from an old friend, Julius Troll, who worked long and hard on behalf of workers in the beverage dispensing industry as well as hotel and restaurant workers. Mr. Troll very legitimately asks how much longer we are going to discriminate against workers in receipt of tips. It is a legitimate question and I would like the minister's response.

He is also concerned about the move of some of the employers—and this is an issue I got much involved in also a number of years ago—to take the tips and decide that a percentage of them go to various employees, quite often management employees as well, in an establishment. There have been a couple of cases.

Once again, I have not organized my files too well—I put this stuff together only last night—but I have Julius Troll's letter here and some newspaper articles in which he has once again raised this particular issue.

I think we had better take a serious look very quickly at resolving what I think is an inequity in terms of a different wage level for beverage dispensing employees and the question of whom the tips belong to. I think they belong to workers directly involved. It is unfortunate—we are almost caught in a bind in this situation—that we seem to have that tip situation, because we have allowed employers to get away with the poor kind of wages that they have in this particular industry.

In his letter, Julius Troll makes reference—and I cannot help but comment on it—to the years that he himself spent in the industry and his amazement at being told some of the figures. He said whenever they were talking about the figures in terms of the tips earned, they must have been in establishments other than the ones he worked in, because he never in his entire working life had days or weeks or months with the kind of tip earnings they were talking about. Yet this is usually one of the arguments that is used in the industry. There may be some establishments where the tip level is fairly high, but it certainly does not lead to any fairness across the board.

Earlier I mentioned the losses the former employees of Massey took because we do not have adequate protection for workers in corporate takeovers or bankruptcy situations. This case is one that was so sick, unfortunately, and so

forcefully underlined the weakness of this government's actions, that it deserves to be restated. Let me, for the record, make just a few comments here.

This is an issue, as the minister knows, that we raised in the House. One of the arguments was that somehow or other this was a deal that had been agreed to by the CAW, the Canadian Automobile Workers union, at the time. I will read from a letter we got from Buzz Hargrove, and I know the minister and the Premier got this letter:

"At no time did the CAW make any agreement to put the responsibility for the pensions and other auxiliary benefits of Massey-Ferguson Industries Ltd. retirees over to Massey Combines Corp. We were never consulted by either level of government or the corporation officials about the restructuring of Massey-Ferguson Industries Ltd., nor were we informed about the Varsity commitment to the unfunded liability of the pension plan should Massey Combines go bankrupt."

I will not go into all of the comments he made. I do not know what the minister got on this; I must have had 35 or 40 individual letters—some handwritten, some personal, some original, some form. I do not intend to read through all of them. I will just pull one of them out; maybe I will read it and find that there is something here that would have been better left unsaid, I do not know, but simply because they were all in the file of workers concerned in the Massey situation, we will take a look at it. I guess I have to take a gamble now that I put it in the package and have pulled it out.

This one was addressed to my leader:

"Bob Rae

"Leader of the NDP

"Queen's Park, Toronto

"Dear Sir:

"I was employed with Massey-Ferguson from 1948 to 1973, at which time I took early retirement. Part of the reason I survived with my low income was the medical benefits that derive from my pensions.

"I have been notified by Peat Marwick that I would not receive any further health benefits due to the closure of the Brantford plant and that I engage the services of a lawyer should I wish to appeal through the courts. I cannot afford to hire a lawyer and I heard that you were interested in other cases and I thought I would drop you a line.

"I am not certain if your party is working on this matter, but I would be interested in knowing



one way or another. Thank you for your concern and any assistance you can offer in this matter.”

It is really symptomatic. I could have pulled out of my files, I guess, some letters that would qualify as the real tearjerkers, Minister, but I think that just stated the case.

I have talked to individual employees in that plant who had gone ahead and arranged to put one spouse or the other into a nursing home because they had to, part of the concern being that some of the coverage was there under the agreement they had. All of a sudden these people found out that all of this coverage that was supposed to have been theirs was no longer there.

I believe we dealt with the pension issue and some responsibility which was held there. I know we have not dealt with all of the other auxiliary benefits, some of which were part of the reason these people took retirements from this particular company. Nobody will ever be able to give me a justifiable explanation of how we let them get away with what they did in that case. I think it just underlines some of the concerns I have been trying to outline for you.

I could go on, in this particular case, with your letter to Mr. Byrnes, which you may well remember; with Bob White's letter and the concern he expressed when people seem to be dumping the responsibility, in this case, on the workers' representative; with a couple of the articles which were extra good—"Ontario Won't Pay Premiums for Massey Combines Retirees"—but I think the case has been made. I think this underlines once again the need for legislation, and I have a little difficulty in swallowing all of the wonderful progress we have made that certainly is the gist, as I understand it, from the Minister of Labour in his presentation to this committee. I can tell you, Minister, you did not win many friends or impress many people in the case of the Massey workers.

I would be remiss if I did not raise the question of hours of work and overtime. Why does your ministry fail to act when excessive overtime is obvious? You know there are violations at Stelco and many other plants. Have you decided that this is neither a concern nor a priority? And do you intend to put it as far on the back burner as possible? That is a growing perception, I can tell you, among Local 1005 employees.

Incidentally, I brought part of my Stelco overtime file with me. The minister might find it interesting, although I do not intend to turn this over to him. I was told just last week that I would have more correspondence and cases on my desk from the local union over this very situation.

Once again, a lot of talk about it, but when it comes to hard action I do not know where the minister and his government are, very frankly. Why do you not deal with the hours of work in Ontario? Why not show some leadership in this great province by moving to reduce hours, to increase vacation time and to improve our list of statutory holidays? I would offer you some of my bills quite gladly, and you can rewrite them as your own, as a beginning or as some guidelines.

Earlier, I was trying to find a file that I unfortunately temporarily misplaced, because I found there are some studies going on in this particular area. One which caught my attention and I thought might be useful is "Trends in Working Time." I do not know what this is out of, but I clipped it because it caught my interest right off the bat. "A major new research project on hours of work initiated by the WSI, the research arm of DGB union confederation, is to be published in stages over the coming months. The first stage on which we report below considers trends in annual working time and special hour provisions for specific groups of employees whose working conditions are particularly onerous."

This is a West German study. I am sure there are all kinds of studies; I have not tried to go into it. But just this piece in itself is of interest. Certainly there is work going on in a number of other countries that is taking a serious look at the hours-of-work situation.

If that was an attempt to add Boxing Day as a holiday in your Bill 114, it would be a hell of a lot better included as another one of the statutory holidays. Certainly I think we are long overdue in taking a look at additional statutory holidays in Ontario.

Minister, in all seriousness, what has happened to consultation? Bill 114 was drafted and submitted without any consultation with labour. If a point was made clear at the press conference yesterday that was it, and they are the people who are going to be involved.

Bill 162 was drafted and submitted with very little consultation with those directly affected. The minister can say there have been all kinds of talks on the Workers' Compensation Board, but on this particular bill it did not happen.

Bill 194, the smoking-in-the-workplace bill, literally was the same thing. I did not bring my file on smoking in the workplace with me. It may be here at the moment. If I could stop for a minute just to find it. This is what I want.

We will be dealing with the smoking-in-the-workplace bill in the House, as the minister



knows. Maybe, for once, rather than just stonewalling any constructive suggestions from the opposition, the minister will take a look at some of the suggestions. We feel that to make this effective there have to be amendments to that legislation. I can tell you in advance that we will be looking at four points in particular: establishing designated smoking areas that are properly ventilated and are identified by the joint health and safety committee, the cost of any needed renovation to be borne by the employer. Without that, the bill is really not going to be that effective. We want to have the employer provide for cessation programs, have a phase-in period to be determined in consultation with the Ontario Federation of Labour and the Non-Smokers' Rights Association, reduce fines on individual workers and increase the penalties for employers.

1140

I think if you moved in those areas the bill would be a start and worth supporting. I hope that does not telegraph a message to the minister that he can just ignore any comments that come. I am simply saying that although there obviously was no consultation, these are legitimate suggestions that the minister must know are part and parcel of the specifics that the trade union movement—which is going to have to sell it as well as employer groups—says have to be part of the bill to make it an effective bill.

While legislation in all of the areas that I have just raised may not have been any better coming from the previous Conservative government, the one thing it would never have done in my experience in this House—it is not that long, but in the 13 and a half years that I have been here—is move those bills without at least running them by people in the labour movement. It might not have accepted anything they said, but it certainly would have run them by them and would have gotten the arguments that might be raised. I know that from personal experience and from discussing it with some of the executive members of the OFL just yesterday that was a regular pattern. In these cases they were not consulted, yet they are very vital bills to the workers involved.

What, then, is the message? It sounds like a massive dose of arrogance: "We know best. Why should we consult?" The one thing that seems to have truly gone by the board is your promise—and you stressed it in your opening remarks today—of openness, your government's promise of openness and consultation. There are many things I would like to cover, but time forces me to be selective.

Another item in the accord, and another promise this minister made, if I can find my accord item again—I should be a little careful where I put the stuff—has to do with safety and health legislation. If you will give me just a moment, I might say while I am looking for the piece that I obviously have mislaid at the moment—I should never come down with too many documents.

**Mr. McLean:** I need about 10 minutes. You can have the rest.

**Mr. Mackenzie:** No, I have about 10 minutes to finish it. It is a document I just had our research staff give me on the safety and health stuff.

**Mr. McLean:** Is that the accord paper with the Premier's signature on it?

**Mr. Mackenzie:** No, I have that one. That is not the one that I am really concerned with.

The reference I made briefly to the accord item was the one that introduced reforms to the Occupational Health and Safety Act. We have seen the workplace hazardous materials information system legislation, which was really federal legislation. We have not seen the other amendments for which we have been waiting for a long time. I am wondering if I could have just a minute's recess here to find what constitutes the completion of my presentation.

**The Vice-Chairman:** Certainly.

**Mr. Mackenzie:** I know it was here. I do not know why all of a sudden I cannot find the darned thing.

**The Vice-Chairman:** Okay, I declare a recess for five minutes.

**Mr. McLean:** Mr. Chairman, I believe 10 minutes would do what I want to put on the record today. Mr. Mackenzie could finish after that.

**Mr. Mackenzie:** If you want to allow the Conservative, my windup is the safety and health part of it. The important part is probably only about 10 minutes, but I am prepared to accede and come back with that, if you want.

**The Vice-Chairman:** Come back this afternoon, okay.

**Mr. McLean:** I may even be less than 10 minutes, but there are a couple of things I want to put on the record. I want to start off by saying, Minister, our critic for the Ministry of Labour is not here. He had to go back to the riding and I am filling in. I want to put a few questions, so that you can come back next week and reply to them.

What the first one pertains to is Bill 162, the Workers' Compensation Amendment Act. I have

a concern with the bill. The concern I have is with regard to a compensation system to better help injured workers return to their jobs. It goes on and you emphasize new emphasis on vocational rehabilitation. I have a problem understanding some of the rhetoric there with regard to the injured worker who will be off the job for perhaps a year. He was employed in a factory where they need two hands to work and this person has lost an arm. He is in the position now—how does he get his old job back? He cannot get the old job back, so are you saying that the employer is going to have to reinstate him somehow or somewhere back within that industry where he has been injured? I would like a clarification on that, if possible.

The other area I want to touch on briefly is Bill 114. I have a problem with that bill with regard to overtime. Are we going to look at other jurisdictions with regard to paying overtime, such as people who work on Sunday but not in stores, corner stores or grocery stores? Are they going to be allowed time and a half or are they not? Are workers who work in the stores on Sunday going to be classified as working overtime? Are you still going to restrict the hours to 40 or 44 hours a week? I have a problem with that area of Bill 114. I do not agree with Bill 113 in the first place, the Retail Business Holidays Amendment Act. I really have a problem with that and I would like a clarification. Are those people going to be stopped at 40 hours' work a week? If they work more, then is that classified as overtime?

The other area I want to touch briefly is the office of the worker adviser. The indication is that it seems to be working very well. I have had some experiences with that. I have talked to a lot of workers who have been on compensation who have gone to the worker adviser and have not felt that it was worth it. I am wondering if you feel that has improved over the last six months or a year. Perhaps it has, but the word that I was getting is they did not feel it was very effective. Many people who have gone through that system are wondering if it was worth while.

I have some broad questions that I want to put on the record, so that you can come back next week. It has to do with a broad range of your estimates. I want you to provide a detailed summation of the \$10 million in special warrants accorded to the Ministry of Labour for the period beginning November 1, 1987, in the fiscal year beginning April 1, 1987. I would like to know what joint programs, if any, were undertaken by the Ministry of Labour with other ministries in

1987-88 and what is the current status of these programs. I am wondering what joint programs your ministry has had with the Ministry of Skills Development, an area that I am very concerned about with regard to training employees. I think we have to be far more involved in retraining people in the workplace.

I would like to have a breakdown of all staff involved in administering each of the ministry's various programs, which is fairly broad but it would be nice to have that. I would like to know the average length of time of employment contracts and how many staff were employed by the ministry on a contract basis in 1987-88; that is contracting out for your staff.

**1150**

I would be interested in knowing how many women, how many francophones and how many members of visible minorities are employed by the ministry on a full-time basis. How many full-time staff does the Ministry of Labour employ and has this number changed since April 1, 1987?

I would also like a detailed description for the record of the trips the minister has taken out of the province on behalf of his ministry; the results of those, if any—

**Hon. Mr. Sorbara:** None. I can tell you right now—none.

**Mr. McLean:** There have been none. That is one of the easiest ones you will have to answer.

Perhaps you could supply also a list of consultants' reports commissioned by the Minister of Labour during 1987-88 and 1988-89. It would certainly be interesting to have that. I would be pleased if you would outline the purpose of the reports and what is the current status of the reports: Are they nearly finished, are they halfway done or is it going to be long before they will be finished? What contracts have been completed this year and what contracts with outside consultants remain ongoing? I would like the names of the consultants awarded these contracts and what are the individual costs involved.

Those are some of the questions I have for the minister. Perhaps the staff would have the answers prepared for next week.

The other area that I have concern about is occupational health and safety, safety in the workplace and specific reference to the smoking bill. I have had concerns brought to my attention by constituents and we will be watching that legislation very closely.

Thank you, Mr. Chairman. I will let Mr. Mackenzie continue.



**The Vice-Chairman:** I believe the minister wants to make one comment, one response, in return.

**Hon. Mr. Sorbara:** I do not want to respond to any of the matters raised by the member at this point, I just wanted to suggest that if indeed Mr. Mackenzie is ready to proceed, we sit now until he is finished his remarks so that we will not be carrying them over into the afternoon session.

**Mr. Mackenzie:** I am prepared to do that. I know I am sounding like a broken record, but once again we think there are government promises that have not been kept. In the throne speech of November 3, 1987, the Liberals outlined their agenda for this 34th session of the Ontario parliament. They promised steps to ensure a health and safety environment in the workplace. They said, "We will reintroduce legislation to strengthen workers' rights to a healthy and safe workplace." They went on to promise, "We will continue to act to restore both employer and employee confidence in the Workers' Compensation Board."

Instead of these promises being fulfilled, the Liberals have given us Bill 162 on workers' compensation, which has been universally condemned by injured workers, their advocates and the labour movement. So much for restoring employee confidence in the WCB.

The Liberals have not brought forward any amendments to the Occupational Health and Safety Act.

Let's be clear. Reintroducing the ex-Labour minister's bill—I am talking about Bill Wrye's Bill 106—will simply not be enough. Bill 106 contained a number of minor changes, most of which were acceptable on their own merit. The bill's monumental failure was that it did not deal with the crucial issues workers are facing in occupational health and safety.

Case after case, many of which the New Democrats have raised in the Legislature, illustrate that workers and their representatives need an expanded right to refuse unsafe work, the right to shut down unsafe or unhealthy work situations, and increased training which they develop and control.

There are a number of examples I could use. I may cover two or three at the end, but since the government has refused to act we have been compelled to put forward legislation that would improve the workers' situation.

Our former occupational safety and health critic, Elie Martel, had the overwhelming support of members of the Legislature when they passed his Bill 149 on second reading and it

began the process of being reviewed in committee.

Bill 149, like many initiatives during the minority government of 1985-87, died with the election of the majority Liberal government in 1987.

I might tell you that there were few members and few areas in which there was more consultation and more people involved. I do not know whether the minister is aware of it or not, but we had meetings of over 100 safety reps in this building on a number of occasions. We had difficulty in that we had to try to cut it down in size while going through the process of the hearings that Elie Martel held. The discussion that went into sections of the bill was needed to make it work; the participants were knowledgeable people and the activists in the trade union movement.

The Leader of the Opposition (Mr. B. Rae) reintroduced Elie Martel's bill—the old Bill 149 which is now Bill 71—because he was worried that the landslide election might have buried for a long time the needed changes in the Occupational Health and Safety Act. He had, with reason, some initial concern over whether or not all the accord items would be met. We still have exactly the same concern. It is our opinion it is going to take the combined efforts of workers, their unions and politicians who are supportive to force this government to move now that it has 94 members.

I am not saying that to be provocative or negative, but it seems that number simply means that you decide what you want to do in the way of improvements in health and safety and not what is obviously needed in terms of the workplace itself. You can tinker around the edges, but you have to come to grips with some basic failings in the system. We will be pressing for the following changes.

Unsafe work should be off limits until the problem is resolved. Workers need more than the individual right to refuse unsafe work. It is ridiculous that after one worker has refused work he or she thinks is dangerous management can ask a second employee to do the very same work. Groups of workers should have the right to refuse.

The definition of unsafe work should include any situation that threatens the health of a worker; for instance, patients, inmates and clients can sometimes put a worker at risk.

Workers must have the right to not put members of the public at risk. School boards and municipal employees should not have to spray



poisonous herbicides if children or others are present.

Men and women should also have the right to refuse work that would endanger their reproductive capacity. A transfer to another job or full wage and benefit protection should be ensured.

Worker health and safety committees need more access to information and more resources. Most important, they should have the power to shut down an unsafe work area.

Workers need better training. Programs must be provided by qualified Labour people, not the employers' safety association. Employees need the time off work to take part fully in education that, after all, directly affects their health and wellbeing.

I want to comment briefly on the lack of enforcement of the Occupational Health and Safety Act by this government. In the fall of 1987, we had the unprecedented event at McDonnell Douglas, the American aircraft plant in Malton, where thousands of workers exercised their individual rights to refuse unsafe work. Among their demands they wanted the provincial government to enforce the 212 orders it had issued against the company concerning violations of the Occupational Health and Safety Act.

Despite our efforts, the minister refused to prosecute. If you and I get caught breaking the speed limit we pay the penalty; if an employer is caught in violation of the Occupational Health and Safety Act, no matter how flagrantly he often does not face prosecution.

It is a situation that has to end. Since the 1976 report of the Ham Royal Commission on the Health and Safety of Workers in Mines, the internal responsibility system has become the buzzword for solving workplace environment problems. Internal responsibility is meant to be a system of self-regulation and self-compliance by management. Workers are prepared to take on their responsibility; employers often are not. That is why we need legislation that will require employers to clean up their act and we need enforcement to ensure the requirement is met.

For the internal responsibility system to work, workers must have—probably this is key—real power. Our party is fully committed to these changes that will give workers and their unions the effectiveness required.

In the next 24 hours another worker is likely to be killed on the job; 1,290 workers will suffer injuries from minor cuts to life-disabling trauma. Cancer, which has touched so many of us, will claim the lives of many who developed the disease simply because their workplace was

unhealthy. We have to do whatever it takes to end the legacy of pain and sadness that rotten working conditions bequeath to us.

This is not the time for complacency or uncaring, it is not the time for stated concerns. We are long, long overdue, I can tell the minister, for action in terms of tough new changes in the health and safety regulations in this province. And they bloody well better meet some of those requirements that have been stated or we are going to be into another round of arguments, just as we have been on some of the other poor and weak bills, very frankly, that we have had.

I want to also ask—and will do it more as questions; I will not go on at this point in time—I want to know what is going on in terms of aluminum exposure in the plants. It is a still a concern in the industry. I would like to know—this may be easily available—how many designated substances we now have. I want to know if the minister can also tell us, in his response to my comments, about the very real concerns over polychlorinated biphenyl exposure which are being raised by Stan Gray in Hamilton among workers at the Westinghouse, Ferranti-Packard and other company plants in Ontario. I think there is a real growing problem there and I do not think we are dealing with it adequately.

I also have some individual cases here that concern me. We may, in the line-by-line, deal with one or two cases I have. One of them is the school board employee who was killed when the cherry picker collapsed just two or three months ago. As I read that report, there obviously was a lack of training and safety measures taken in that particular death. The question that we had to raise in the House just in the last few days is why has it taken seven months to find out what really happened to Pierre Pouliot, and to even get a tentative date set for an inquest in a mining death.

I would like to know specifically. I thought it was mandatory and compulsory that there was an automatic inquest into a mining death. I am hoping that somebody is not trying to weasel out of it by deciding that a contract employee brought in by a contractor to work on the equipment of the mine does not constitute a mining death. That thought struck me when I found out that the 12 deaths in Inco, where there has been Steelworkers jurisdiction, have all had the inquests called. But on this one, which is now seven or eight months old, we now have a tentative date for an inquest, but we seem to have had one hell of a time getting a date on it simply because he was a

boilermaker by trade and a contract employee, not an Inco employee, who was involved.

There are a number of concerns like this that point out the need, as far as I am concerned, for an inquest into every industrial accident death in Ontario.

With that and the proviso that my colleague will be making a few general comments on the Workers' Compensation Board at a later date, as we agreed earlier, and the fact that we may have some individual cases to raise with the minister when we get down to the specific votes, I am finished with my presentation.

I am looking forward to the minister's response to most of the questions which are

involved with when we are going to get action on commitments that were made or promises that were made, in some cases actually in writing, that we have not yet seen. I am hoping when it comes to employment standards, when it comes to safety and health, when it comes to plant closure protection, that we will hear in the minister's response some specific time frames and answers to those particular questions.

**The Vice-Chairman:** Thank you, Mr. MacKenzie. By agreement, we will recess now until after routine proceedings, possibly 3:30.

The committee recessed at 12:04 p.m.

## AFTERNOON SITTING

The committee resumed at 3:44 p.m. in committee room 228.

ESTIMATES, MINISTRY OF LABOUR  
(continued)

**Mr. Chairman:** The chairman recognizes a quorum. I would like the record to show that by consensus, in spite of the fact that one of the three parties is not represented, we have approval to go ahead with the proceedings this afternoon. My understanding is that in my absence this morning we got to the point where the official opposition and the third party had responded to the minister, and now the minister should be responding to those two responses. So I will recognize the minister.

**Hon. Mr. Sorbara:** Thank you, Mr. Chairman. I want to begin by telling you and the members of the committee that I really very much enjoyed the opening comments that we heard this morning. I am not referring to my own. I am referring to the opening comments both of the Labour critic from the New Democratic Party and of the member for Simcoe East (Mr. McLean) of the Progressive Conservative Party. Although I do not think he serves in the capacity of Labour critic, he did have some interesting questions; and indeed the member for Hamilton East (Mr. Mackenzie), the Labour critic from the New Democratic Party, had a number of very substantial questions.

What I would propose for these estimates this afternoon is that I attempt, as best I can, to begin to respond to some of those questions. Obviously, it is going to take a little bit of time and preparation to answer in more detail, but we in the ministry and I, as minister, would like an opportunity to examine Hansard and ensure that we have a full catalogue of the questions and attempt to deal, if not with all of those questions during the course of these estimates, at least with some of them.

I am sure that some of those questions will be repeated in questioning as we go through the estimates item by item and vote by vote, so this afternoon my comments will be rather of a more general nature. But I am sure that the chair will not mind if during the course of my comments—obviously at the discretion of the chair—some of the members of the committee want to ask questions on my comments. I certainly would not have any objection to that, but I will leave that to the discretion of the chair.

**Mr. Mackenzie:** I take it that the minister's inviting of questions to his responses is broad enough that if there were one or two new questions that we wanted to add to the list as well, we could?

**Hon. Mr. Sorbara:** Sure. I think we should have rather more of a discussion and a dialogue and a consultation process than a regimented, "Well, this is my time, not your time," kind of procedure.

**Mr. Chairman:** Could I interject? From the chair's point of view, this is excellent, I think, because what we found in other estimates is that things really flowed well because if there was a question on a particular point that people wanted to clear up and we cleared it up at that point, it saved time in the long run. So as long as that does not get out of hand, if people catch my eye, I will be glad to recognize them for clarification questions as we go.

**Mr. Mackenzie:** I think we have a set time in any event and I do not think any of us are being tough on just exactly how we handle the votes.

**Hon. Mr. Sorbara:** I have a set time as well, because I have the honour of participating in the late show this evening with the member for Nickel Belt (Mr. Laughren) being the co-star of that performance.

**Mr. Mackenzie:** I did not mean we wanted to go by the set time.

**Hon. Mr. Sorbara:** I know you did not but I just wanted to get it on the record.

**Mr. Chairman:** From the chair's point of view, we will be adjourning promptly at 6 p.m. or maybe two minutes before.

**Hon. Mr. Sorbara:** Might I ask the indulgence of the committee and see if perhaps it could be 10 minutes before because I would not mind five minutes just to go over it.

**Mr. Chairman:** Is the committee in agreement with adjourning at 5:50 p.m.?

**Mr. Mackenzie:** I have no problem.

**Mr. Chairman:** I will adjourn the meeting then at that point.

**Hon. Mr. Sorbara:** I want to begin my comments by talking a little bit about the consultation process. Mr. Mackenzie did mention that on a number of occasions. I think he lodged some criticisms and questions as to whether or not I, as Minister of Labour,



consulted sufficiently on initiatives and on the ongoing administration of programs, initiatives and policies within the Ministry of Labour.

I think perhaps those who review the history of this government and this ministry during this time, while I am minister, will be better suited to adjudicate on that. But I would tell him and the members of the committee that I really do see it as almost a primary responsibility. One of the most important things that I do is maintain an ongoing dialogue with those representatives of both labour—working people—and business representatives in order to ensure that the initiatives that the government brings forward are initiatives that will have the intended effect in the workplace.

I am not sure you can ever do enough consultation. I think you can always go back and ask one more time. Let me say as well that the idea of consultation is not something new with my tenure as Minister of Labour, nor will it end when I cease to be the Minister of Labour. In fact, I think there is a good, solid tradition going back many years.

#### 1550

The Ministry of Labour has been involved in extensive consultation over the past year. These consultations have involved the development of legislation and regulations, ongoing program matters and emerging issues. In terms of the development of new legislation or regulations, we use different approaches to the process of consultation, depending on the circumstances. For example, with Bill 79 and Bill 180 regarding limits, the ministry was involved directly with tripartite committees at both the national and provincial levels; special tripartite committees were established to provide advice to the ministry in the development of the necessary regulations. The assistance of the management and labour officials was most helpful.

I regard the final implementation of the workplace hazardous materials information system, that is, the coming into effect of Bill 79 and Bill 180, as substantively important for the workplaces of this province in putting into place in Ontario, along with other provinces and the federal government, important measures that will have a significant, important and dramatic effect on the understanding and the handling of hazardous substances. I also see October 31, 1988, and the implementation of WHMIS as a triumph for the consultation process.

No minister should take any particular credit for it; no level of government, no individual provincial government should take any particular

credit for it. The credit should go to the process that was put into place, which brought workers, employers and governments together to achieve a common objective.

That being said, if you were wanting to assign credit somewhere, I think a good deal of that credit should be assigned to Ontario—when I say that I do not mean simply the government or ministry officials, but the people in this province who are concerned about the issue and participated—because the province was a driving force in making sure that the difficult process of working out the WHMIS system was brought to a successful conclusion. So that is one example of consultation.

As you know, Bill 162, the amendments to the Workers' Compensation Act have three major components: the dual-award, permanent-partial-disability compensation provisions, vocational rehabilitation and the re-employment provisions. We circulated Paul Weiler's 1986 report on permanent partial disability to interested parties and requested responses. That input and the information and insight that we had from the extensive discussions and deliberations about this subject earlier in the decade provided the foundation we needed to develop that aspect of the bill.

Just on that matter—although I know it is important for critics to say that the dual-award system is being put into legislative form without consultation—if you look at the extent to which the dual-award system has been examined, consulted, reported upon, re-examined, reconsulted and re-reported upon and once over again, I think that you would be hard pressed to truly assert the notion that Bill 162 and the dual-award system that it proposes has been presented in this province without consultation.

By the way, the responses to the publication of Paul Weiler's third report were very extensive and very thoughtful. That is not to say, as we started to craft the legislation, that we were not aware that there are some advocates within the province who reject the dual-award system in any way that it could be shaped and that we would have been surprised that some advocates would say we disagree fundamentally with the adoption of the dual-award system.

I think, by the way, that those advocates are simply ignoring the evidence of the success of that system as implemented and put into place by the New Democratic Party government of Saskatchewan in 1979, by the government of Quebec, by the government of New Brunswick, by the government of Newfoundland and by

other governments as they revisit a more effective way to compensate people who, as a result of workplace injuries or illnesses are victimized and left with a permanent partial disability. Here again, the issue is consultation, and I think I can authoritatively say that there was very broad consultation over a number of years on that issue.

On vocational rehabilitation, it was our government that indeed launched a consultative task force report to raise the question and examine the issue of vocational rehabilitation. Maria Minna and Wally Majesky led a task force that consulted broadly around the province. I met with a wide range of interested parties to discuss the recommendations that were in that report. Those consultations form the basis for the sections of Bill 162 that deal with vocational rehabilitation. Once again, you can perhaps make the case that the bill does not fully reflect the recommendations of the Minna-Majesky task force report.

We can argue about that. We can have different views on that. In my view, we are not only reflecting fundamental views expressed in Minna-Majesky in the amendments, but we certainly have to pay due credit to the task force and the co-chairs of the task force for bringing a consensus to the province to bring about these sorts of initiatives. I fully believe that once fully implemented, this province will do a far better job of providing effective vocational rehabilitation through the worker compensation system to individuals, working people who require that sort of assistance.

In addition, we circulated a discussion paper prepared by the ministry to interested parties on re-employment options. Again, the feedback proved invaluable in the development of Bill 162. I should say that I do not think the consultation process on re-employment and reinstatement has been completed. Obviously, we are going to be examining that in public hearings on Bill 162, but I fully believe that the concept of reinstatement is going to be a developing area of the law, perhaps inside and outside of the workers' compensation system, over the next 10 years as we confront more squarely the workplace issues we will have to address, whoever is in government over the next 10 or 15 years.

In addition, I used the interval between last spring's first reading of the bill and second reading this fall to meet again with a wide range of interested parties to discuss the bill and its implications, a very extensive process of consult-

ing not on themes or proposals but on legislative wording. I do not want to try to remember all the communities I visited, but it was an extensive summer of meeting with groups and hearing their views on Bill 162. That is not to say that we should, as a result of that pre-empter, cut short the public hearing process, but those consultations did and will continue to go on.

#### 1600

Once again, I have heard people express the view that they reject the dual award system. Okay; I understand that. I understand some people do not support that, but this government as a matter of policy supports that kind of improvement and that kind of approach to the compensation of permanent partial disability pensions claimants.

With respect to Bill 194, An Act to restrict Smoking in the Workplace, we did take a different approach. When the city of Toronto was granted special permission by the Legislature to regulate in this area, it was done on the understanding that it would pioneer an approach the province would then monitor. That is what we have done. Rather than being involved in extensive discussions about smoking restrictions, we monitored the acceptance and implementation of the Toronto bylaw. We met with any interested parties that expressed a particular interest; for example, the Bakery, Confectionery and Tobacco Workers International Union.

You will remember also that in the spring of 1987, before I became minister, my predecessor introduced Bill 106, An Act to amend the Occupational Health and Safety Act.

I chose to take time to consult with workplace parties about the bill and their perspective on it. The result has been one of the most extensive rounds the ministry has ever been involved in. Now you know that the ministry helps me prepare those remarks, because I cannot be the authority for that. I can just tell you that I and ministry officials have been meeting on what I believe is an almost unprecedented basis on ways to regulate health and safety in this province more effectively.

Obviously, it is not always me. I am not the authority. The better authorities on how to craft legislation and put into place initiatives in public administration and public policy that will affect those political and policy objectives are the people within the ministry who understand how policy can be shaped into legislation and structures in public administration to achieve those objectives.



**Mr. Mackenzie:** I wonder if you would allow an interjection at this time.

**Hon. Mr. Sorbara:** Sure.

**Mr. Mackenzie:** I think it might be useful. I think we are mixing up legislation in situations here in terms of the consultation process. In terms of the workplace hazardous materials information system legislation, there is absolutely no question it was probably one of the best examples of co-operation between government, industry and the labour movement.

The labour movement was involved, certainly at the federal level, as this was being prepared for use in all of the provinces, as I understand it, right down to practically the actual drafting of the legislation. I say that advisedly because we were called a number of times by Richard Martin and others at the federal level from the Canadian Labour Congress, who were involved for a long period of time in trying to come up with a draft of legislation in the labelling of hazardous substances, who asked us—we had a few arguments over it, I can tell you—to go slowly on our pushing certain things here in Ontario, for fear of upsetting what they might be able to achieve as a bill that could have national implications.

We held off in one or two cases where we would have been asking additional questions in the House, simply on the basis of a very strong case being made that they were having some input. As a matter of fact, they went so far as to give us an example of a couple of times where they managed to get—I am not arguing the merits either way—some of the larger companies' representatives on the committee that was looking at this on side with the labour movement, where they were having some trouble with some of the smaller employers on some of the provisions of the bill.

The point I am making is that they were involved and knew what was going on right up, literally, to the drafting of the WHMIS legislation. The same feeling is not held, I can tell you very clearly, by the labour movement in terms of the three bills I raised: the smoking bill, Bill 162 and Bill 114. I have no argument about the extent of hearings and the extent of the Minna-Majesky task force. Most of that task force is not happy with what you have come up with. One or two are. But I can tell you that, as well.

The point I am making is that while there was lots of input into things like the need for changes in the Workers' Compensation Board, into things maybe even like Sunday shopping, in terms of the hearings and groups that were consulted or the hearings that were held around the province,

whether people were listening or not, there is no feeling or damned little feeling, I can tell you—that was one of the key points of the press release, if your people were there yesterday. Certainly, two of the key unions involved were at that meeting. While there had been discussion of the topics generally, there was no indication they had any input at all or knew anything about what the final draft of the bill was for Bill 114, Bill 162 or smoking in the workplace.

Safety and health stuff has been ongoing. You have had meetings, I believe as recently as yesterday, on that particular issue. There, we do not know what we are going to get yet, so we do not know whether the arguments have been listened to.

The point I am making is that while there may have been a general framework out of there, the bills that were finally sprung, Bill 114, Bill 162 and the smoking bill, which has some merit but I think needs a few corrections in it; hopefully, people are going to be listening—for Bill 162, maybe you have answered it. Maybe in the course of the hearings there will be some changes. There certainly need to be some changes to that bill. Bill 114, I do not think you can change.

Those are three examples I use specifically because they are three examples where, as one of the officers said, "Hey, look, at least the bill would have been run by us before we got the actual bill." They do not feel they had any input into what they saw as the final drafts of the bills in that area, and I think we should distinguish in that way.

**Hon. Mr. Sorbara:** I think it is a reasonable point to make if the point you are making is the one I made at the beginning of my comments, and that is that consultations take different forms in different contexts.

In the broader issue and on the question of whether the labour movement feels sufficiently consulted, or whether indeed the business community feels sufficiently consulted, I interject that there may be occasions, there are occasions surely, for ministers of Labour and governments of Ontario, where an initiative is brought forward from the Ministry of Labour, and a variety of representatives of the business community and employers say, "We were not consulted on that."

That is the dynamic of government, I guess. I am becoming more comfortable with it. I do want to say and put on the record that I feel I have a very comfortable relationship with the leadership and the representatives of those organizations—



including, obviously, the Ontario Federation of Labour, but other organizations as well—that speak and speak effectively on behalf of working people.

I am not trying to defend myself in this regard, but I do feel I can pick up the phone and call any representative who might have a comment on an appropriate issue and have an honest discussion on that issue with that individual.

**Mr. Mackenzie:** I have not taken that into dispute at all.

**Hon. Mr. Sorbara:** I thought we might turn from this issue of consultation generally to the question of consultation on Bill 114, which is amendments to the Employment Standards Act to deal with the issue of Sunday work and provide a right to refuse unreasonable assignments of Sunday work.

Let me just say a few words about consultation on that, because I think it is germane to the comments that were made at the press conference—was it yesterday?—and the comments that have been made generally about lack of consultation on the bill, not particularly by you, Mr. Mackenzie, but that have been made generally.

Our government made a policy decision to bring forward amendments to the Retail Business Holidays Act that would incorporate a degree of local flexibility with respect to the extent to which stores would be open on Sunday around the province: a strong provincial framework available and enforceable right across the province, and the authority for municipalities to vary somewhat from that framework.

For reasons I do not have to justify, but for reasons that are best known to the trade union movement, when it heard the government had made that policy decision, it rejected it and made a determination to oppose it.

1610

You will recall that at the same time as we made that statement, we made a commitment to bring forward measures that would afford appropriate protection to retail workers. Some have expressed the view that was not a good idea, that you should not bother to provide special protections to retail workers.

After all, the previous government, when it brought in the current Retail Business Holidays Act, did not do that. When our government brought in amendments that allowed bookstores—what else? I cannot remember—to be open on Sundays and public holidays, we did not do that. Indeed, in the debates, I do not think members of the New Democratic Party nor members of the

Conservative Party suggested that be done. But we said, when we announced that we would be bringing forward amendments to the Retail Business Holidays Act, that at the same time we would want to provide appropriate protections for retail workers.

How does this relate to consultation? Having heard that we are about to do that, obviously, the trade union movement and representatives of organized labour have an interest. There is going to be worker protection. There are going to be changes to Sunday shopping. My responsibility is to call upon the appropriate unions and representatives of workers to say: “Well, we are going to do this. What do you think?” I simply want to discuss the consultation process and tell you how I perceived it.

I was told at the meeting we had that the trade union movement was fundamentally opposed to the local option approach the government was proposing and that try as I might, I would not get co-operation from the trade union movement in crafting worker protection. I understand that. They said: “Don’t try to get us on side on this, Greg. You are not going to, because we are opposed to the initiative that is driving it.”

I guess they felt it would be inconsistent at one and the same time to be working on consulting and be ultimately supportive of worker protection initiatives, because they would be seen to be at least qualitatively supportive of the government’s initiatives to provide a local option context to the framework regulation of Sunday shopping. They saw that initiative, wrongly I suggest to this committee, as the extension of Sunday shopping. We used to talk about wide-open Sunday shopping. I think we know now—at least a large number of people who analysed the provisions of Bill 113 reject the notion it is tantamount to wide-open shopping, but that will continue to be debated and when the bill is passed we will see what happens.

Nevertheless, I understood the trade union movement’s position on this question of consultation in respect of worker protection in the Sunday shopping debate. I regretted it. I thought: “That’s too bad, because I think it’s something we could work on. We are talking, really, about worker rights and ceding a new right to working people.” But I understood it, so I have to say to the ministry officials in Labour: “I guess we have to do this without ongoing consultation. We have to craft the best kind of protection we think is workable within the policy objective we are trying to achieve.”

What is that policy objective? It is simple. The objective is to try to ensure to the greatest extent possible that those working people in the retail sector who are working on Sundays are by and large, to the greatest extent possible, people who want to work on Sundays. There are some of those. I think we all have to admit that. I do not know the numbers. Lots of people work on Sunday now. Lots of people work in the retail sector now.

So yesterday there was a press conference. Leaders of the trade union movement were there to lodge their criticisms of Bill 114 and I thought I might just take a few minutes to review those criticisms. If someone can help me operate this machine, I will put this slide over here. I have never done this before. I have never operated one of these before.

**Mr. Mackenzie:** We did not get all of this just because we put their release on record, did we?

**Hon. Mr. Sorbara:** Yes, absolutely. As a matter of fact, I would have liked the release to be up there so I could have gone through it word by word in typical solicitor fashion, but I am not going to put you through all that.

**Mr. Mackenzie:** They are going to love this.

**Hon. Mr. Sorbara:** As you will see from the slide, we have listed four criticisms the Ontario Federation of Labour has made in its statement on Bill 114. We have also put up the three alternative proposals that were being suggested.

Before I analyse these four criticisms point by point, I want to remind the members of the committee of what the government's commitment was and is, and what the policy objective was and is that we were trying to achieve as we crafted Bill 114. The political commitment was to afford appropriate protection to retail workers in respect of Sunday and public holiday work and our policy objective was, to the greatest extent possible, to make Sunday work voluntary.

First of all, the OFL says the right-to-refuse provisions are not likely to be used in the largely nonunion retail sector. Only some experience with the bill will be able to answer that question.

**Mr. Mackenzie:** Does the minister really believe that? I am just curious.

**Hon. Mr. Sorbara:** I am going to answer that in my next comment.

What was more startling to me in that press conference was that the OFL should use the analogy of what I believe to be one of the fundamental rights that is part and parcel of the administration of occupational health and safety in this province, and that is the right to refuse

unsafe work. I think every member of this committee would agree with me that this principle and this right is fundamental to effective occupational health and safety administration, in driving our workforce towards being healthier in safer places.

One would never conceive of removing that right. One would never conceive of saying, "We don't need that any more," or, "This should not vest in the individual working person, to have the right to refuse unsafe work." Just because that right is exercised more frequently in a workplace where the workers are represented by a trade union and work under a collective agreement is not an argument that the right is of no value, as was suggested in the news conference. Just to argue and just to suggest that it is only within the unionized sector where this right will be effectively used is not, in my view, an argument for saying: "Don't pass it. Don't vest it in individual retail workers." It simply does not follow.

**Mr. Mackenzie:** You forget one thing. The position they have taken—it is clear and is one I have no difficulty with—is that what we see in that bill in terms of protection is an illusion, is not really protection. The other side of it, and it is a counter-argument in spite of your arguments, is simply that the facts are that in safety and health legislation, which is of much more individual concern to many workers because of the direct results on their health, we are seeing that it is used in almost 90 per cent or better than 90 per cent of the cases in unionized shops, which certainly backs the argument they are making.

As a matter of fact, if you want to take that a step further, because only a third or whatever it is of the workforce in this province is organized, there is almost no use in the nonunion sector even of that fundamental right.

So let's not have us going to bat for an illusion when it comes to the Sunday shopping issue.

1620

**Hon. Mr. Sorbara:** I will respond in two ways, first, by saying that we can get later to the statistics on who uses and who does not use the right to refuse unsafe work. But I think you will agree with me that far from abandoning the right to refuse unsafe work, we need to solidify it and make that right more broadly known if we are going to further the administration of health and safety in this province, because we need working people to be able to identify unsafe work and to say to their employers, "No, I won't do that, because it puts me or my fellow worker at risk."

I think you have to concede to me that situations giving rise to the exercise of that right



are often very complex. If I went into Stelco tomorrow afternoon, I would be hard-pressed to identify a situation that was safe or unsafe. In fact, I may well, were I to be allowed to wander around the plant, be putting my own health and safety at risk, because you have to have a sense of what goes on in that workplace and how it works and you have to have education and training to be able to work safely in a situation like that. A stranger would not be permitted simply to wander through the facility.

On the other hand, there is nothing complicated or sophisticated about the right to say to an employer in the retail sector: "I don't want to work on Sundays. I do not want to have to change my living patterns and come in from 11 to 6 o'clock on Sundays. We know you have decided to open up on Sundays but I don't want to do that." That is simple and straightforward. There is nothing complicated about it. There is nothing inherently dangerous. There is no special knowledge you have to have in order to exercise that right. It is clear and straightforward. You can say no to an assignment of Sunday work.

I think probably every retail worker in the province understands that Bill 114 provides the opportunity to say no and I think Mr. Mackenzie, given his long history in organizing workplaces and understanding collective agreements, understands that this represents, in some respects, a simple clause in a collective agreement, that is, you can say no without fear of reprisal. The law says no reprisal shall be taken.

That brings me to the second point which is that subtle pressure will be applied, reprisals will take place for refusing Sunday work; that these reprisals are expected. Perhaps in some cases that will happen. We do not pass speed limits in this province on the basis that if we pass the speed limit everyone in the province will always drive at or under the speed limit. We do not put into legislation the right to refuse unsafe work, because, having done that, every worker will always be able to identify and refuse unsafe work.

There will be situations where subtle pressure will be applied and as we re-examine our bill again and again, having heard criticisms, we think we have dealt with that, that we have made it a matter of law that those reprisals are illegal; that if the matter is to be taken to a referee, the referee can examine and adjudicate on instances of reprisal, very much like an arbitrator might do in a grievance under a collective agreement.

Because those sorts of provisions exist under a collective agreement does not mean that there are

certain employers who will not capriciously try to get around the law, but I would be surprised if employers en masse, collectively, would simply say: "We do not have to abide by that. We abide by the other laws. We abide by the income tax laws and we do this and we do that, but that is not one that we have to abide by." There will be bad actors. That is why we set up the provisions to allow any reprisal, any penalty, to be within the jurisdiction, ultimately, of a referee.

I know Mr. Mackenzie has a comment now.

**Mr. Mackenzie:** I would simply tell you that it would be a little easier if you had gone through the route of understanding some of the subtle pressures that can be exerted on workers.

I think I have used the example before. I forget the specific details now, but I remember organizing a plant many years ago. I think it was National Steel Car by name, in the south end of Windsor, a stamping plant. We were told that some of the workers would like to be organized, one of the reasons being that it had such a lousy safety record. In something like four, five or six weeks before I was assigned by George Burt at the time to try to organize that plant, they had had three women in the plant lose fingers. They had one young woman who had lost her hand at the wrist. It was because of stamping machines being used without guards on them.

I want to tell you that I was able to organize that plant, although we had a son-of-a-bitch of a time before the board. There were company petitions, the company's lawyers' petitions and everything else. But the fear that was in that place was so great that for a while they would not talk to me when I used to go in to the Anderdon Harbour Lite Tavern in the hotel to try to get the names of the workers. When I did, it had to be as a God-is-my-judge witness: "You do not let them know that I have signed this card, but yes, I do want the union in." The fear there was palatable.

If you would understand some of that, you could easily understand that where you do not get a good employer—and a lot of them are good employers. It is not easy to sell somebody on using a right. They were afraid to pay a buck and sign a card, even though they wanted to. We ended up getting a big majority when we went before the board simply because they were afraid of the actions the company might take and they needed the bloody jobs. In most cases, their English was not good or they were brand-new citizens at that period of time. I am going back to the late 1950s or early 1960s. This was the kind of situation we had.



You go through a few examples like that and you will understand that in this free, democratic country of ours, if we are going to exert our rights, it is just not quite that simple.

**Hon. Mr. Sorbara:** I agree with you that it is not quite that simple, but that is not a reason, in my view, not to legislate the right because I think, ultimately, with experience and passage of time, we will achieve our public policy objective—that is to create a situation for those people who want the opportunity to work on Sunday, a voluntary work force with respect to the retail sector.

**Mr. Charlton:** For whom is it a right?

**Hon. Mr. Sorbara:** Mr. Charlton asks the question, “For whom is it a right?” It is a right for every retail worker to refuse—

**Mr. Charlton:** Is it a right for everybody who will be affected by working on Sunday as a result of Bill 113?

**Hon. Mr. Sorbara:** No. It applies to every retail worker, whether or not he or she works now.

**Mr. Charlton:** Would it cover anybody working in a restaurant?

**Hon. Mr. Sorbara:** No, I do not think it covers restaurants.

**Mr. Charlton:** I have two restaurants in my riding, on Concession Street, that are not open on Sundays. Both of those restaurants rely for their business on the retail trade that exists on Concession Street. The major bulk of their customers are the people who work in the stores on Concession Street and some of the customers who shop on Concession Street. Concession Street is not a residential street and they are not restaurants that are frequented by families.

Both of those restaurants are closed on Sunday, but if the retail stores on Concession Street become open on Sunday, the owners of those restaurants will likely desire them to be open. Would you not think so? But you have just told me that the employees in those restaurants who do not now work on Sundays, who will be affected by Bill 113, are not covered by Bill 114. For whom is this a right?

**Hon. Mr. Sorbara:** Let me tell the member that if he is arguing that the right available to retail workers under Bill 114 ought to be expanded to a broader population base, that is an interesting issue, but it is not the same issue we are speaking to now—

**Mr. Charlton:** I am simply dealing with the—

**Hon. Mr. Sorbara:** Can I finish? I let you finish. —and that is that this right should not exist. The OFL says, “Don’t pass this bill. Working people in the retail sector ought not to be ignored in this way.”

1630

**Mr. Charlton:** The OFL said, “Don’t pass a bill that creates an illusion that is not real for people as a protection.” Read the press release again. You sat there a moment ago giving the impression that the employee who said to his boss, “I don’t want to change my lifestyle, I do not want to work on Sunday,” had the right under Bill 114 to refuse. I have just given you an example where that does not exist. The impression you tried to give is not a real one; it is an illusion. Either give us some legislation that protects everybody who does not now work on Sunday or do not give us anything, but do not create the impression you are giving people a protection that they do not have.

**Hon. Mr. Sorbara:** I fail to see how I am creating an illusion when I say this bill is a protection for retail workers.

**Mr. Charlton:** If somebody sat and read Hansard of your remarks of a few moments ago, where you said, “An employee who doesn’t now work on Sunday, it is very simple for him to understand that he should say to his boss, ‘I don’t want to change my lifestyle and I don’t want to start working on Sundays’”—is that not what you said?—somebody reading the Hansard of that would be left with the impression that Bill 114 is going to protect him, right?

**Mr. Chairman:** The chair might interject here for a moment, please.

**Mr. Charlton:** That is what an illusion is, Minister, when you create things that are not real.

**Mr. Chairman:** Could I remind members of the committee that once somebody starts answering a question, you really should let the person finish. In two instances, unparliamentary language has already been used.

**Mr. Charlton:** Point taken. I apologize.

**Mr. Chairman:** We are getting a little bit hot under the collar here and I think a more reasoned, gentlemanly discussion might be in order.

**Mr. Mackenzie:** I thought it had been surprisingly gentlemanly, considering some past Labour estimates.

**Hon. Mr. Sorbara:** Based on Mr. Charlton’s comments, I should ensure that Hansard notes for the record that in that instance when I talked

about employees, I was talking about retail workers, not all employees. I acknowledge that this bill does not apply to every employee in every sector, but that it is restricted to the retail sector.

**Mr. Charlton:** It also does not provide the protection which you implied in your original statement you were promising, which was, "As a result of Bill 113, we feel that we have to provide Bill 114 to provide protection for those people who are affected by Bill 113." Then you turned around and just did retail. I gave you an example right there of how Bill 113 is going to affect more than just people you are defining as retail.

**Hon. Mr. Sorbara:** I think if the member checks all of Hansard—I may be wrong on this—here, there and everywhere, wherever Hansard has its nosy little ear attuned, the member will find that I have never said that Bill 114 applies as a result of Bill 113. The right does not apply simply to retail workers who may be called upon to work in the retail sector as a result of any expansion of retail shopping as a result of Bill 113. Indeed, I think you will have to acknowledge that under Bill 113 there could be a contraction of retail openings on Sundays. Again, only time will tell.

This bill, in that sense, stands alone. Once the bill is passed, it applies to any retail worker who is currently or in the future working and may be called upon to work on Sunday. Let's get clear what the right is: the right is to refuse what the worker considers to be an unreasonable assignment of Sunday work.

**Mr. Charlton:** Again, you have just made an overstatement. Bill 114 very clearly differentiates between those retail workers who do not now work on Sunday and those retail workers who already work on Sunday.

**Hon. Mr. Sorbara:** I would like you to quote me the section.

**Mr. Charlton:** I do not have the bill with me, unfortunately.

**Hon. Mr. Sorbara:** I think we could provide a copy. Do we have a copy?

**Mr. Mackenzie:** More to the point, is my colleague correct or incorrect on that point?

**Hon. Mr. Sorbara:** Your colleague is incorrect. Bill 114 applies to any retail worker. Obviously the retail worker cannot exercise the right until the bill is passed.

**Mr. Charlton:** That is subject to whatever the words "reasonable" or "unreasonable" mean, of course.

**Miss Roberts:** The worker is always right.

**Hon. Mr. Sorbara:** Let's get that clear and let's understand the structure of the bill.

**Mr. Mackenzie:** While clearing it, let's also make clear whether or not it is or is not—I would be very interested in your remark, "a lawyer's delight."

**Hon. Mr. Sorbara:** Is or is not what?

**Mr. Mackenzie:** Is or is not the word "reasonable" going to be a lawyer's delight as the legal counsel at the press conference indicated.

**Hon. Mr. Sorbara:** We have a copy of the bill here. We will do it one at a time. In order to answer Mr. Charlton's question first, I refer to section 2 of Bill 114, an amendment creating subsection 39g(1) of the Employment Standards Act which reads as follows:

"This section and sections 39h to 39k apply only to retail business establishments, as defined in section 1 of the Retail Business Holidays Act, and to the employees and employers in such retail business establishments and to persons acting on behalf of such employers."

All is covered; all employees of retail businesses are covered by the act.

**Mr. Charlton:** That is not what you read. Read it again.

**Hon. Mr. Sorbara:** "To the employees and employers in such retail business establishments."

**Mr. Charlton:** As?

**Hon. Mr. Sorbara:** "Retail business establishments" being those which are defined in the Retail Business Holidays Act.

**Mr. Charlton:** Right. Okay.

**Hon. Mr. Sorbara:** So as long as you are a retail business as defined in the Retail Business Holidays Act—and that is all of them out there; follow along with this—if you are an employee of a retail business establishment, then you are covered by the act; not if you are an employee of a retail business that opens as a result of a local option.

**Mr. Charlton:** That still has not answered my question in terms of the protections in Bill 114. That defines Bill 114 in terms of what it addresses initially.

**Hon. Mr. Sorbara:** But that creates the client group.

**Mr. Charlton:** But you will agree, Minister—

**Hon. Mr. Sorbara:** I might not.

**Mr. Charlton:**—that the other things that have been raised in the discussions leave the question



of who is covered and who is not, or whether the right to refuse is absolutely unclear.

**Hon. Mr. Sorbara:** No, I do not think so. I do not agree, but let me take you through it.

We have identified the client group. If you are an employee in a retail business establishment, this act pertains to you; these amendments pertain to you. Obviously, if the retail business establishment does not open on a Sunday or a public holiday, then the act does not apply to you, because this act applies only in respect of Sunday work.

The second question you raised is whether or not the right is absolute or qualified. I would tell you that the right is absolute until a decision has been rendered by a referee, making a determination that the assignment of Sunday work is a reasonable one.

**Mr. Mackenzie:** It does not stop the employer from firing somebody, though.

**Hon. Mr. Sorbara:** No. There is a clear prohibition against firing. The act says that. An employer—and I am paraphrasing—may not fire or do any other mean thing to an employee who exercises that right.

**Mr. Mackenzie:** You have got a minefield there, you know.

**Hon. Mr. Sorbara:** Can it be more clear?

**Mr. Mackenzie:** And if he does, you might have a minefield in terms of the time it takes to get a decision on it.

**Hon. Mr. Sorbara:** And if he does, the worker can seek redress. Just as when, under a collective agreement, there is no right of the employer to fire me and he does fire me, I have redress. I can take the matter by way of agreements to an arbitration and I will get redress. I can be reinstated. Penalties can be levied. The collective agreement can be enforced. Under these circumstances, the worker who exercises this right has all those remedies.

1640

**Mr. Charlton:** All right. Let's—

**Hon. Mr. Sorbara:** Just let me finish. The cash remedies and the reinstatement do not come from a Minister of Labour. It has to come from a process of hearing both sides to determine and to put into place a judgement that is enforceable.

**Mr. Mackenzie:** I want to make one comment, following my colleague on that very point, which you should understand whether you accept it or not.

**Mr. Charlton:** All right. You have said there is an absolute right up until the point where an

arbitrator rules on whether the work assignment was reasonable—

**Hon. Mr. Sorbara:** Just let me correct you there. I said, the right continues to be absolute—

**Mr. Charlton:** Until there is a ruling.

**Hon. Mr. Sorbara:** —until there is a ruling. In other words, there is no qualification in the exercise of that right. If you are asked to work for an hour on a Sunday afternoon once in a year and you refuse to do that, your right to do that is absolute. In other words, your employer is prohibited from taking any action as a reprisal or in retaliation for that.

If, after the ruling of a referee saying the assignment of one hour on one Sunday afternoon once per year is reasonable, the employer says: "Now look, we've got a determination on this. I now want you to work one hour on one Sunday afternoon once a year," and the employee says, "Sorry. I do not want to do that," the employee after that point has no recourse to this act.

I remind you, he or she does have recourse to the Ontario Human Rights Code, because the reason for not wanting to work on Sunday may be based on other provisions contained in the Human Rights Code.

**Mr. Charlton:** But there are no protections against dismissal or loss of pay there for perhaps a three-year period while he gets a hearing before the Ontario Human Rights Commission.

I want to go back to the specifics of relating what you have just said and to what you tried to give an impression on earlier, the provision of Bill 114. I refer you back again to the original comment you made when you said, "For a retail employee who does not want to work on Sunday, that is a simple and understandable process and that employee can say to his or her employer: 'I don't want to work on Sunday. I don't want to change my lifestyle.'"

What this bill, as you have just told us, gives him the right to do is to refuse to work on Sunday until there is a ruling on the reasonableness of an employer's work assignment on Sunday. Thereafter, that right may not exist any longer, and thereafter that worker's right to say, "I don't want to work on Sunday because I don't want to change my lifestyle," because of the kinds of provisions you have set out in section 39k of this bill, no longer exists. So do not try to give the impression to people that they can refuse to work on Sunday simply because they do not want to work on Sunday or change their lifestyle, because that is not the right this bill gives them.

**Hon. Mr. Sorbara:** With all due respect, I have never ever tried to give that impression.



**Mr. Charlton:** Then why did you sit there and say that?

**Hon. Mr. Sorbara:** Because that is the right that the worker has in the first instance, and it continues in force until—

**Mr. Charlton:** Until section 39k is applied.

**Hon. Mr. Sorbara:** —until, if and when an employer says, “Notwithstanding that you do not want to work on Sunday, I think the assignment of work is a reasonable one and I am going to take the matter to a referee.” If the employer never takes that situation to a referee, the right continues to be absolute. I have said from day one in describing the bill that the worker can continue to exercise that right without fear of retaliation until such time as the assignment has been adjudicated upon by a referee and that referee has made a determination that the assignment of Sunday work is reasonable.

I am not misrepresenting the bill. It is not an illusion. It is just like in a collective agreement, you have the right, until an arbitrator says, “No, sorry. You’re wrong” —

**Mr. Charlton:** Can you tell us which of the major—I will not use any store names, because I do not want to create a bad impression of any of the employers in this province, because I do not know who is going to do it and who is not. But after municipalities have taken the local option under Bill 113, perhaps you could tell us which major chain, for example, having made the decision to open on Sundays, whose employees all took the option of refusing to work on Sundays under Bill 114, would not then go for a ruling?

**Mr. Mackenzie:** What stops them from making this a condition of employment under new company rules for new employees, at least?

**Hon. Mr. Sorbara:** Mr. Mackenzie’s question is a very good one, and I want to get to it, but I do want to answer Mr. Charlton’s question first. Perhaps you could repeat it.

**Mr. Charlton:** When their employees refused under Bill 114 to work on Sunday, what major chain would not go and seek a ruling?

**Hon. Mr. Sorbara:** In my view, an employer would generally go to seek a ruling if there were an en masse refusal; that is, if all the employees said, “We are not going to work on Sundays.” Under those circumstances, an employer would put together a proposal or a plan if he were going to open on Sunday. I think at first instance he would bring that proposal or plan to the workforce and try to get the workforce to agree on it.

If he could not come to an agreement negotiating with that workforce, whether it were organized or not—in this case it is organized, because they can take collective action—then and probably only then would the employer take the plan to the referee, present the referee with the history and say: “I think I have been reasonable. I, for example, am providing premium pay. I’m asking for volunteers first. I’m trying to keep the staff down. I am creating a rotation system where individual workers are going to be called upon to work only one Sunday in four, and I have instituted a kind of seniority provision; the people here the longest can say no first.”

I think under those circumstances an employer would take a plan. I think in individual refusals, an employer would not.

I think I ought to get to Mr. Mackenzie’s question, which was: What if an employer makes it a condition that if you want to work here, you have to be willing to work on Sunday?

I believe the act has been designed to take that into consideration in conjunction with other laws in this province. Let me explain.

If I agree to work at ABC department store, and in the interview the person who hires me says, “By the way, you have to work on Sundays at this place if you’re coming to work here,” and I say, “Listen, I don’t have any difficulty with that. I don’t mind a bit. If you want me to work on Sundays, that’s fine,” notwithstanding that, if you read through the act, you will see that there is nothing to prohibit me, if assigned Sunday work, from saying, “No, thank you,” to exercise my rights under the act. Nothing does that, even if it is placed in an employment contract that the worker has agreed to work on Sundays; even if it is there in writing.

**Mr. Mackenzie:** I would not want to gamble on that.

1650

**Hon. Mr. Sorbara:** Mr. Mackenzie, what I said is, “to exercise the right.” It may well be that a referee would take a dim view, but the referee is constrained to ensure that no retaliation was taken during the period prior to when the referee heard the matter.

Second, I want to explain that the reason why the act was designed in that way is this: If a worker is hired to work from Monday to Friday and that is his or her understanding of the employment agreement, even if that worker has said, “I don’t think I am going to mind working on Sunday,” we want to ensure that that worker has the continued protection so we extend it to everyone, even to the worker who is hired

specifically, for example, to work Saturday afternoons and Sundays. Even that worker has the right to refuse an assignment of Sunday work and to continue to have an absolute right until it is adjudicated. I think in those instances a referee would say: "My God, what are you doing? Why are you bringing this case?"

**Mr. Mackenzie:** Sure he would.

**Hon. Mr. Sorbara:** But understand why we have done that. We want as much as possible for employers to bring into the retail workplace a workforce that is there because it wants to be there, to seize the opportunity—it is premium pay.

One more point on that, and then I really will see to that question that you have, Mr. Mackenzie, and that is that the provision of that sort of agreement, we are told by the human rights commission, is contrary to the Human Rights Code; that is, the qualifier in an application for employment of that, "Yes, I will work on Sunday," is prohibited under the Human Rights Code, and remembering the Zellers case and remembering the comments of the human rights commission on that provision, I feel confident that it is not going to be incorporated in applications for employment. But that is yet another protection.

**Mr. Mackenzie:** Let me go back to the first step, though, and it is a pretty fundamental one that should be understood. I think a lot of questions have been raised here about this bill alone, and I did not anticipate that we would spend this much time on it, but the minister must surely understand there are serious questions.

To begin with, if you are lucky enough to be organized, and that is a small percentage of the retail workers—

**Hon. Mr. Sorbara:** It is not entirely my fault.

**Mr. Mackenzie:** No, but you might have some chance of getting some help and taking advantage of the so-called protection legislation.

But the minister also surely understands that the majority of workers in that field are not the high-paid workers. Many of them are part-time and they need it or they will take anything they can get. As I say, they are not organized. They are not, in many many, many cases, the most sophisticated workers. If they do not have a union to give them a hand or push them at all, the fact that they may refuse and be fired, even though they have the right to go to the employment standards branch, and the fact that that may take a period of time, which the minister has to acknowledge, is going to mean that the

extremely small number that is likely to use it to begin with is going to be even smaller, because most of them could not afford it.

Most of them may very well not want to work but will not take that chance of being fired and the kind of delay that might be there before they would ever be taken back, even if they win their case. You really are eliminating an awful lot of these workers before they ever start in terms of that piece of legislation. If you do not understand that, then we will never agree on it.

**Hon. Mr. Sorbara:** You raise an important point. Yes, most retail workers are unorganized and will not have the benefit of a shop steward and a trade union to help them with their rights and help them exercise their rights.

**Mr. Mackenzie:** Many of those would not take advantage of it because they cannot afford to lose their job, but there might be a better chance. All I am saying is that where they are not and where they do not have that advantage, you are not likely to see very many use it.

**Hon. Mr. Sorbara:** But most employers in the retail sector are also small employers who have, I believe, a simple understanding of this bill, because it is a simple bill, and that is, "The government of Ontario wants me to ensure that I am not coercing people to work on Sunday; I've got to get volunteers or part-timers."

**Mr. Mackenzie:** You are saying that out of the goodness of their hearts—

**Hon. Mr. Sorbara:** No, not out of the goodness of their hearts, because they understand the law, it is a simple one, and they are law-abiding citizens.

I asked one of the employers that has been leading the charge against the government on Bill 113 about Bill 114 and what he would do in an environment where Bill 114 is passed, and he said, "I would probably ensure that the people who were working in my business on Sunday were working there because they looked forward to the opportunity."

Let's take it beyond that to a more technical analysis. You are familiar with and you are probably one of the most sophisticated people at understanding collective agreements in this assembly. When I say to you that what you have here is the Continental Can clause, I think you understand what I mean. In other words, you cannot fire until there has been an adjudication. For goodness' sake, you know that in negotiating collective agreements, everyone wants the Continental Can clause. You cannot fire until there has been an adjudication. That is the right that



you have here. You cannot, you are prohibited from firing, from disciplining, from retaliating until there has been an adjudication.

**Mr. Mackenzie:** I think you are dreaming.

**Hon. Mr. Sorbara:** But at least acknowledge to me that, on the surface, the technical language of the bill gives you the Continental Can clause.

Anyway, I am only at point 3. I am going to deal with point 4 very quickly and then the alternative proposals. We are getting back to the slides. "Limitation to retail sector is discriminatory." I think for a lawyer, the word "discriminatory" is charged with legal meaning. I guess it would only be the courts that would decide whether it was discriminatory and therefore a violation of the Charter of Rights. It certainly speaks to and applies to only a particular community or constituency of workers.

We, of course, had to ask ourselves the question of whether or not making that choice, to cede this right with retail workers, was consistent with the charter. Having analysed the cases, in particular the cases that upheld the Retail Business Holidays Act itself, we are confident that this bill will survive the test of a challenge.

Notwithstanding that, I think the Ontario Federation of Labour's criticism of the bill in this point 4 is inconsistent with what else it is saying about the bill. That is, they suggest that this right should be expanded to the entire workforce. That is an issue. Some might think it should, some might think it should not exist at all. If you want it for more people, if you are saying, "Don't just do this for retail workers," that is inconsistent with saying, "There is no power in this right anyway, so don't do it."

**Mr. Mackenzie:** You are missing the point entirely, I think, in their presentation. This is part of a move that they would like to see generally in terms of hours of work across the province. It has nothing to do with this bill. They are saying that if you make it a little more difficult in terms of the hours that you can work, the kinds of wages, when you pay overtime and so on, it may make it less attractive, not only in Sunday shopping in the retail trades, but generally for Sunday work.

I think that is a valid position they are putting. I am glad you talked about the other one, though, because one of the questions I had, specifically, was—I am not hanging my hat on a charter challenge at all, but certainly that point was made very strong because they thought there was a potential challenge there—I was interested in whether or not the ministry had taken a close look at that and what you think would happen with a charter challenge to the legislation. It does strike

me—I am not a lawyer, so I should not even mention it—that they may have a case.

**Hon. Mr. Sorbara:** Everyone may have a case until a court decides they do not have a case. The answer to your question is that we have done a legal analysis that leaves us comfortable and confident that the provisions of Bill 114 are not contrary to the Charter of Rights and Freedoms, notwithstanding that the right applies to the retail sector.

I do not want to go into detail on our authority for that, but should any of the members of the committee wish, we could bring forward the authority for that.

**Mr. Mackenzie:** I would be interested in it.

**Hon. Mr. Sorbara:** If we can then, just as quickly as we can, go to the alternative proposals that were presented by the Ontario Federation of Labour. In speaking to these, I think it is important to remember, again, that the policy commitment was to deal with retail workers in respect of Sunday work and the initiative was designed to provide a right to refuse unreasonable assignments of Sunday work.

#### 1700

The OFL presented three alternative proposals. The first was to reduce the work week to 40 hours. It is an interesting proposal. It has been the subject of a good deal of analysis. I know that Mr. Mackenzie has himself done a lot of analysis on that and it is something that is of very great concern to him: the whole question of hours of work and overtime.

I simply say that reducing the work week to 40 hours does not provide any protection for people who wish to refuse unreasonable assignments of Sunday work. Indeed, Mr. Mackenzie was saying just the other day in the House that some of the problems that retail workers confront are that their hours are already being reduced from 24 to 20 to 18, and I agree with him. I have heard that from retail workers who say: "We are being jerked around in this industry because we find that every week we have got a different assignment of hours and they are being cut back. We are all part-timers and we know the problem that part-time workers have."

**Mr. Mackenzie:** Does this bill resolve that?

**Hon. Mr. Sorbara:** No, it does not. It does not even pretend to, and I never said it would. But reducing the work week to 40 hours would not resolve it either, because you could have a 40-hour work week and your employer could say, "By the way, eight or 10 of those hours are



on Sunday," so we would not have achieved our objective.

**Mr. Mackenzie:** You are comparing apples and oranges here.

**Hon. Mr. Sorbara:** I am not.

**Mr. Mackenzie:** It is a very good argument for a 40-hour work week and overtime immediately or for even less than a 40-hour work week. That is separate from this retail argument, whether they are part-time workers—

**Hon. Mr. Sorbara:** They are; but when the OFL says to the government of Ontario, "We have a better way of protecting workers who do not want to work on Sunday, like reduction of the work week to 40 hours," I say it does not even speak to the issue. It may be a very good proposal, and government has an obligation to consider it. Let's sit down and talk about it; let's consult about it; but do not tell me that it is an alternative.

**Mr. Mackenzie:** It may be a red herring on both sides of the issue, because I do not think the OFL really was looking at it in terms specifically of this bill. I think they were looking at it in terms of hours of work, employment generally and the ease with which Sunday shopping opens up maybe.

**Hon. Mr. Sorbara:** Well then, do not try to fool the province into saying, "We are having a press conference on Bill 114," and offer it as a creative alternative proposal.

**Mr. Mackenzie:** The press conference also, as the minister knows, stated very clearly that they could see no way to amendment and the bill should be scrapped. Whether the minister wants to use these points in his argument or not, that to some extent clearly shows that what they were saying was that the bill simply is not good enough and—

**Hon. Mr. Sorbara:** And that nothing is good enough.

**Mr. Mackenzie:** —they can take any other position or defend any other arguments they have made. That was a very small part of their press conference.

**Hon. Mr. Sorbara:** Well, let us look at alternative proposal number two then: the use of premium pay for Sunday work. Certainly that speaks to the issue of Sunday work. I say to those who propose it that it does not solve the problem that we are trying to get at. There are some people who want to refuse Sunday work even if premium pay is three times or four times the regular pay; that is, there are those people who

say: "I don't want to work on Sunday. Get it? I don't care that you are paying me \$20, \$30 or \$40 an hour. I don't want to work on Sunday and I want to exercise the right that the government has given me under Bill 114. If an adjudicator says down the road that what you have asked me to do is reasonable, okay, Continental Can clause again. I have to keep my job and you can't do this to me." But the offer of just premium pay does not solve the problem.

The third alternative proposal is legislating two consecutive days off out of seven. This is an interesting proposal. A lot of people in a lot of trade unions would not want that. They like to be able to negotiate extended work weeks: 10 days on and 10 days off, that sort of thing. I think we need to create flexibility and we would be denying flexibility if we were to take up this proposal, and I am not sure that on reflection the OFL would not want to reconsider this.

But what I say in respect of Sunday work is that it does not solve the problem, because legislating two consecutive days off might, for some individual who wants not to work on Sunday, result in having Tuesday and Wednesday off when the kids are in school and: "Those aren't the days I want off. I want Sunday off." That, in short, is why we have directed our attention to Sunday.

I can tell Mr. Mackenzie and the other members of the committee that we considered those proposals. We examined them thoroughly and we said time and again that there is an attractiveness to them but it does not achieve our objective. Our objective, our commitment to the people, was to afford a protection in respect of Sunday work. None of those three, or a whole host of others that we considered, did the job.

We believe, by the way, that this right is an important right and that it will work, that there will be situations where the law will be violated and we hope that the mechanisms that we put into place to adjudicate will be effective and expeditious. We have made a commitment—indeed, the legislation uses the word "forthwith" to express the view, the public policy commitment—that these matters will be dealt with expeditiously.

**Mr. Mackenzie:** Let me go back just for a moment to the first one, to make it clear, as I have tried to tell you, that the alternatives are not alternatives in the strict sense of this legislation, as far as I am concerned, and are not ones that I would advance.

The premium pay issue is not one that I would advance, but what might have been of some use in the premium pay issue is simply that some

marginal businesses might not have made a decision to open on Sunday if they were going to have to automatically pay double time or triple time or whatever the case may be, so there may have been use in that kind of suggestion. That is not defending it or promoting it; I am just simply saying that I am not sure you can dismiss it as having no value that quickly. It might very well have influenced some businesses.

**Hon. Mr. Sorbara:** Just in response to that, I can point out that the offer to pay premium pay is one of those things that a referee can look at, among others, some of which are captured—

**Mr. Mackenzie:** I do not accept the principle of premium pay as being one that you sell it on either. I am just simply saying—

**Hon. Mr. Sorbara:** I wonder if you would want to comment on my view that this is in many respects, at least in the technical words of the language, the Continental Can clause prohibiting dismissal prior to adjudication.

**Mr. Mackenzie:** I do not see that.

**Hon. Mr. Sorbara:** Well, you are more of an expert on these matters than I am—not that I defer to your view, but I will just tell you—

**Mr. Mackenzie:** I know damn well you do not.

**Hon. Mr. Sorbara:** In any event, I want to tell the members of the committee that I have not gone through this lengthy analysis on Bill 114 simply because Mr. Mackenzie read into the record this morning all of the OFL's statement on Bill 114, but to make the point—

**Mr. Mackenzie:** I thought that was the reason you had done it. I thought you told us that earlier.

**Hon. Mr. Sorbara:** No, I said it was not the only reason.

**Mr. Mackenzie:** Oh, okay; fair enough.

**Hon. Mr. Sorbara:** In closing my comments on Bill 114, I understand the OFL's position here. I do suggest that their position is in part based on their inability, for perhaps very good reason, to offer even qualified support for the government's initiatives in Bill 113.

I suggest that if there were not a Bill 113 in Orders and Notices—the subject of a great deal of debate in this province—and as a separate, independent initiative, a Minister of Labour had simply said to an assembly in this province, “I would like to introduce Bill 114, an act to protect retail workers in respect to Sunday shopping,” there would have been a good deal more interest and perhaps even qualified support and comment and interest in working with the Minister of

Labour and the Ministry of Labour and the government of Ontario on this bill.

I understand where the trade union movement is coming from and it does not at all discourage me from continuing in consultation. They made it quite clear to me at the beginning, “We are not in a position to consult with you on any initiative that you might propose.”

**1710**

**Mr. Mackenzie:** Can I, with respect to the minister, tell him that this may be an example of where he does not have as much understanding as might yet be useful in his job in terms of the trade union movement.

**Hon. Mr. Sorbara:** The more I learn, the less I become involved.

**Mr. Mackenzie:** Neither the trade union movement nor our party, for example, is so monolithic that we do not have people who disagree with the positions we take. But we operate to some extent the same way. The trade union movement has a convention at which the resolutions are passed.

If you have been down—I am sure you have—for at least a brief appearance to their conventions, you will know that, like our conventions, the issues are brought by the affiliated locals to the floor, the resolutions committee decides what it is going to handle and positions are struck. Then they are obliged to support those positions until such time as the position at convention is changed. The position since I have been going—I have not been going other than as a visitor in recent years to their conventions, but I have been right across this country at both Ontario Federation of Labour and Canadian Labour Congress conventions—has been one that opposes the Sunday shopping principle.

The minister should understand it is not something new or something that they cannot understand, something that is sprung on them all of a sudden or that they might be more susceptible to if they did not have that position. The fact is that they do have that position. It is a convention decision position of the OFoFL and as long as it is, it is not likely to change.

**Hon. Mr. Sorbara:** I understand that. I think I said that the OFL in convention has—

**Mr. Mackenzie:** Instructions from their delegates on the majority vote on the issue.

**Hon. Mr. Sorbara:** —instructions from their delegates that they are not to support initiatives that might possibly expand Sunday retailing. I hear you.



**Mr. Mackenzie:** Why make the big issue then?

**Hon. Mr. Sorbara:** You would agree with me that they accept the fact that there is currently a Retail Business Holidays Act that allows some Sunday shopping to go on legally in this province. Were the government not proposing to amend that in any way—that is to say, if the current Retail Business Holidays Act were standing there in the statute books—

**Mr. Mackenzie:** We all understand that nothing is absolute, Minister.

**Hon. Mr. Sorbara:** —in that kind of environment my suspicions are—and I will not go beyond expressing suspicions—that there would have been a great deal more interest, some qualified support and perhaps even gratitude expressed, that some fewer people might be working on Sundays as a result of the Minister of Labour's flawed initiative to offer some additional protection to working people in the province.

I know that they could not do that, because there are convention resolutions opposing—not Bill 114 obviously; Bill 114 was never considered by a convention that I know of—but Bill 113, yes. I am there with you on that and so I understand. I continue to believe that when this assembly passes this bill, we will have an additional right. It will not work perfectly and there will be violations, but it will put some additional measure of power in the hands of working people who want to have slightly more ability to self-determination, if you like, to be able to exercise some rights in the workplace without fear of retaliation.

**Mr. Mackenzie:** I would not take it to my membership with any security. You might try to bring it to us as legislation.

**Hon. Mr. Sorbara:** At this point I do not have anything more to say on that. I am just going to continue responding to some of the matters that were raised this morning by Mr. Mackenzie.

I want to say a few things about free trade and its impact and put it in some possible perspective. First of all, I do not think that there is a great deal of disagreement between him and me, and indeed, in some respects, between his party and the government party, that the free trade agreement puts a good deal of additional adjustment pressure on business establishments and working people in this province.

I think it is profoundly regrettable that in the politics of the free trade debate that has gone on in this country for some three and a half or four years now, the federal government has systemat-

ically refused to acknowledge that it is an issue. Again, I can understand it politically.

How the hell can you go into an election where the central issue is free trade and acknowledge that this is going to put very significant pressure on certain sectors? Regrettably, you do what the federal government did and appoint the president of Northern Telecom to hide the issue until after the election is over.

I think all members of this committee agree that there will be increased adjustment pressure, but it is also true that pressures are already being experienced and will continue to be felt from other sources as well, such as technological change and increasing international competition as the world becomes a freer marketplace, a global village in terms of marketplaces. I think we would all have to admit that there is a great deal of uncertainty. In fact, only a fool would suggest that he could accurately predict the extent of that additional adjustment pressure resulting from free trade.

The Ministry of Labour has traditionally been a player in labour adjustment matters. It has a good deal of history in that regard, but let's just deal with the free trade context for a moment and where we need to be going in this country.

I do not think it is a matter of determining whether it is going to be a federal or a provincial matter. Indeed, if you read Canadian history, I think an argument can be made that this country took several more years to extract itself out of the Depression because the question of who was going to act with New Deal-type measures became the subject of some ridiculous battle between two levels of government, and so not enough was done soon enough.

I think it is a national issue and our government has expressed that. I do not think we are, notwithstanding some of Mr. Mackenzie's comments today, trying to slough it off on the federal government. I think it is a national issue. I think all of us, all levels of government, all parties, have to direct our attention.

It is important to note that historically and traditionally, the federal government has had the major levers at its disposal in conjunction with its responsibility for national economic development and setting of national economic policy. The major levers of taxation and the major tools, such as the unemployment insurance system, have been the major funders of long-term and short-term retraining schemes. It has a history there. While I would want to reread the history, I think a good deal of that goes back to the initiatives that emerged out of the Depression.



But we are a player as well. There is no doubt about that. We now have a Ministry of Skills Development. We now have a growing labour adjustment branch within the Ministry of Labour. We now discuss employment adjustment policies with far more confidence at the provincial level, but let's not abandon the national perspective. Let's continue to understand that we need to continue to look at this part of the continent as a nation that must approach these sorts of problems from a national perspective. There are issues that are clearly within the provincial area, no doubt about that. As we get on to discussions about agenda items within the Ministry of Labour, perhaps we will discuss some of those.

1720

**Mr. Mackenzie:** Can I stop you there for just a minute, Minister?

**Hon. Mr. Sorbara:** Sure.

**Mr. Mackenzie:** I hope my remarks did not lead to a belief that I think the feds do not have a responsibility. I did make the statement very strongly that we cannot slough it off on the feds, say that we are not going to deal with the problem, because they will not act; but there is a lot of expertise in the province, which I do not think we are organizing very well as yet, that can deal with some of these.

There are some fundamental problems, one of them being the one that I have raised and that the Toronto centre has raised, that even if you can get somebody, an older worker who has lost a job, into a retraining program, he cannot access it because he cannot collect his unemployment insurance. That is a real problem. There are some examples that I would hope the ministry is taking a very good look at.

We have just wound up the Firestone effort in Hamilton. There was some joint effort in that. It was probably the most successful effort I have seen in this province in terms of working. I wish to hell we had had it for the Consolidated Bathurst workers and for a number of other smaller plants where you do not set up that kind of operation. I think the work they are doing here in Toronto is excellent. They seem to be more successful when they are involved almost at the shop floor level.

The other example that has been tremendously successful and is now at risk, because of some cuts in federal funding, was a plant that did not close although it had a major layoff, and I am talking about the Local 1005 program. You would not believe the number of people who are now in new trades, whether it is floor layers—they

involved themselves in an operation with the carpenters there. They set up a program, in response to tremendous unemployment and very high layoffs they had in their local, whereby they came up with a number of the initiatives, talked to the community colleges, talked to some of the employers, set up their own training programs and so on. They can go only so far with that without some definite direction or assistance.

The point I am making is that it is almost not operative at the moment. We have wound up the Firestone deal. We should not be losing that kind of expertise. There are some serious problems in terms of the work they have done, the success they have had in the Toronto group, once again getting around the roadblocks that are there from the feds in terms of access to unemployment insurance if they can get people into retraining, if they need the upgrading in terms of skills or language, or as I say they are older or ethnic background workers and so on.

We are doing a number of things, but we are not leading the field and I do not think we are organizing and taking advantage of some of the success stories that are there and broadening them. I am not sure we are putting them in the context of let's do it with the help, the assistance, the funding, everything we do where they are willing to do it.

I am not sure how long you are going to have a Local 1005 or some other big local willing to do it. I am not sure what is going to happen now that we have officially ended the whole Firestone operation, but let's take advantage of some of these programs and get into community employment and work centres where we are anticipating problems. That was half the pitch of the brief, which I know the minister has seen because he got a copy of it, from the Toronto group. They knew plants that were going to be closing down. They would like to be in and working with those workers now, so that they can do an early assessment as to who is going to need skills upgrading and basic educational upgrading, so that they can start slotting them into programs down the road before the plant is actually closed.

We have a long way to go in an adequate response there. Yes, there is a federal responsibility and I think they are copping out of some of it, but I think we have to take the ball much more firmly and run with it in this area.

**Hon. Mr. Sorbara:** I am actually glad that Mr. Mackenzie raised the Firestone issue and the Hamilton closure where over 1,000 employees out of the workforce of 1,280 participated. With leave of the chair and the committee, I am going

to ask and invite Harry Shardlow and Lisa Avedon to join us at the estimates table, because I would like to put on the record and expose both of these very competent officials from the employment adjustment branch to questions from the members of the committee, and in doing so to respond to some of the questions that Mr. Mackenzie has raised about whether or not we are simply going through a Firestone sort of exercise and then not capturing the expertise. In doing that, I would simply introduce to the committee Harry Shardlow and Lisa Avedon and quietly disappear for about three minutes, but not suggest that the committee adjourn.

**Mr. Shardlow:** I am Harry Shardlow, the director of the employment adjustment branch. Lisa Avedon, who is with me, is the co-ordinator of our adjustment programs.

I would like to spend just a few moments outlining very briefly our adjustment program, and Ms. Avedon will get into a little bit more detail to address some of the things that Mr. Mackenzie has raised. He mentioned, for example, our very successful Firestone project—and I am glad to hear him agree with it—which we are trying to build on and some other things we are also involved with, such as the Labour Council of Metropolitan Toronto and the Hamilton labour adjustment centre endeavours that are now under way or in the planning stages.

**Mr. Chairman:** If I could interrupt for a moment here: I hope you witnesses feel comfortable with an interchange, because the way we operate—I do not think you were here this morning—is if Mr. Mackenzie wants a clarification I would rather you dialogue between yourselves as opposed to addressing things through the chair. The flow is much better that way and we get a lot more accomplished.

**Mr. Shardlow:** That is fine; thank you, sir.

The counselling program that we developed has the distinction of being really the only one of its kind in North America, although there are some examples of some similar things in Europe. The program itself is devised to provide a counselling assistance to workers who are affected by unemployment, basically in large-scale closures or in mass layoff types of situations. It provides counselling and such things, it provides people with assistance in improving their skills, in searching for and locating employment, in identifying the skilled training needs that are necessary and basically does whatever we can to try to make employees more job-ready.

The program is cost-shared with employers, of course, excepting perhaps in cases of insolvency where the ministry would bear the entire cost, and is at no cost to the employees themselves. It is basically a group counselling type of endeavour with individual counselling follow-up that we provide and, wherever possible, takes place prior to termination. We have found over the course of the last number of years, and the program has basically been in place since 1981, that the more we can do prior to unemployment the more successful we are. As Ms. Avedon will outline in a little bit more detail, the Firestone case was an excellent example of what can be done before a closure actually takes place.

Just discussing for a few seconds the federal side of this, we operate very closely with our federal colleagues, whether there are Ottawa-Toronto types of problems or provincial-federal problems. We have a very good relationship with the federal counterparts here in Ontario and we participate very closely with them in the adjustment committee program that they establish, which is a joint labour-management job-search type of committee. We are a member of that particular committee and would certainly do that whenever a counselling program has been developed, again as we did in the Firestone example.

In addition to that, we provide consultative advice and whatever assistance we can to groups that are undergoing change, such as the two that we briefly mentioned, the Hamilton labour adjustment centre and the Metropolitan Toronto one.

With your permission, what I would like Ms. Avedon to do is get into a little bit more detail about the two specific program. Then perhaps we can address specific questions on them and anything else that might come up on labour adjustment in general.

**Ms. Avedon:** Perhaps I could start by referring to Mr. Mackenzie's comment about taking advantage of the expertise out there. I would like to assure you that we do indeed. There are not that many of us who are working in the area of labour adjustment, so we tend to work together and share our expertise to a great extent.

I have been involved with the Metro labour council and the Hamilton centre from the very beginning. In fact, just to use the Hamilton centre as an example, I was one of the resources in the development of its proposals and have provided feedback on the draft proposals and will be sitting on the advisory council of that centre, if and when it is funded. We have been asked to provide



comment about the viability of that centre and we have let it be known that we feel very positively about that.

**1730**

It is an interesting pilot for us, because one of the things we are unable to do in our program is provide the kind of long-term follow-up that is very often necessary, and a centre like that can. It also allows us to slip into an ongoing mechanism, so that when we are attempting to deliver a program we do not have to set up the whole system, there is a system in existence. We are using the Metro labour council in that way. I have a closure that they are working on with us right now. They are fortunate enough to have a number of counsellors who are multilingual and we are involved in a closure where most of the workers are unilingual Italian or Portuguese. By using counsellors who have those languages, the program can be delivered in those languages.

**Mr. Mackenzie:** Can I interrupt?

**Ms. Avedon:** Yes, please.

**Mr. Mackenzie:** A number of us have been working on it. We have done our damndest, not always successfully, to make it an all-party group too in Hamilton, working closely with Mohawk College as well, to help develop the community employment strategy. I take it you are looking at some of the proposals that are being drafted and some of the work that is being done on that right now.

**Ms. Avedon:** Yes.

**Mr. Mackenzie:** One of the things that rocked me—this was not on my agenda at all, but just as an example, I was given a work résumé Tuesday or Wednesday of this past week by one you have probably worked with in terms of the Firestone operation, Richard Zawislak, who had been a vice-president of the local and stayed until the end and who probably, in terms of the Firestone operation, was the most involved person. I know he did over 60 or 70 interviews with companies and probably placed more individuals in that plant than anybody else. I took it with a bit of a shock.

That is when I realized and made the comment—we are winding up the Firestone deal—that if anybody developed any bloody expertise in that program and did some legwork and showed some initiative, it was Richard Zawislak. It just hit me, all of a sudden, that here we are trying to get this permanent deal going on a full-time basis in Hamilton, so we are ready to react even before we get plant closures and not after and deal with some of the smaller plants

where we do not have anywhere near the immediate access to employment for the workers, and somebody who has come through the whole thing in the most successful project we have ever had all of a sudden is saying: “Hey, is there anybody you can send my résumé out to to take a look at?”

It seems to me that the person who was probably the key person in that operation is now on the labour market. If we are moving at all towards a permanent operation in the Hamilton area, somebody—as I say, I have not even raised this with my colleagues—should have made sure that the core of that operation was bloody well involved in this deal. That is why I have some wonder about how quickly we respond when we get a good idea going.

There is also expertise, although I do not think you would take it away, in Local 1005. If you have been working in the Hamilton area you will also know that they initiated the drywall, the flooring and the truck driving programs. They have placed a hell of a lot of people in good-paying jobs, not the cheap jobs, as a result of their work with their people. There are two or three people in that operation who should be looked at as well.

In the proposals that we are trying to put together in the Hamilton area these kinds of resources should not be let slide. As I say, it was not on my agenda but just last week when I got that résumé I said to myself, “What the hell are we doing in the most successful program that we have had in letting somebody like this go?” I do not know whether you have taken a look at the staff and the expertise in these programs, but you bloody well should.

**Ms. Avedon:** We have nothing to do with the staffing of that centre, so I cannot comment on it.

**Mr. Mackenzie:** No, but if you are assisting them—somebody has to direct these people. Maybe we have a responsibility too. I am not saying we do not; all I am saying is here is the best thing that has happened. We have some of the best examples right there, and probably some of the key people in it are going now that the thing is winding down. I do not think in his case he will have too much trouble finding another job somewhere else, but surely to goodness we should be taking a look at some of this expertise if we are putting together full-time programs.

**Mr. Chairman:** As the chair, I would like to note that these comments are all directed to the minister and he is noting all of them, so do not take them personally. The dialogue is at that end



of the room, but really the recognition of this dialogue is at this end of the room.

**Mr. Shardlow:** If I can add a comment, and perhaps Ms. Avedon might be able to elaborate on it, we try our best in any situation to use the expertise. We have actually had situations where a person who may have been a shop floor worker has a chance to help his or her fellow workers on a program and has excelled. It has been amazing to see how people can rally the people around. We find some of our best programs are those in which the shop floor workers are involved from the very outset. In fact, we have had at least one or two situations that I can recall where a person from one of those closures has actually gone on and become employed in the counselling field, one of whom went to work for one of the community colleges, George Brown.

**Mr. Mackenzie:** That Firestone deal would not have worked successfully were it not for the efforts of a lot of people, which I acknowledge, but also the fact that some of the floor people—I can think of Harvey Murray in that local, and as I say Zawislak; two or three others also really got involved and they really did do a job on that.

**Ms. Avedon:** In fact at this point, although it is almost a year after the closure of that plant, we have a 98 per cent success rate in helping people find jobs and relocate. I use the Firestone program as my model for many reasons. One of them is that the company was extremely co-operative from the beginning and we were able to do all of the counselling on company time and on company premises. There was a period where there was a question as to whether they were making any tires at all, because we had 10 counsellors in there and everybody was being counselled.

The committee, which consisted of union, management and government people, including myself, was the most effective I have ever seen. I think one of the reasons was that—I can usually tell when I walk into a plant who is whom but I could never tell that at Firestone. They worked together very effectively. It was just a super program. They were able to do a lot of the things that we would like to see happen in other places. We had six months of work there before they closed and that made a tremendous difference. We do not always get that kind of notice, unfortunately, but we are getting more of it as companies start to realize that it is to their advantage to allow workers to take a look at what they need to do in that time period.

**Mr. Mackenzie:** If I can interject once again, because it is directly related to this, I guess the

point I want to make in this issue is simply that Firestone, because there were 1,500 people, because of the dramatic effects and the numbers that were involved, was a pretty sexy type of operation in trying to get something going. As a matter of fact, I think we have a breakfast meeting at Mohawk College tomorrow on the Hamilton project with some of the Mohawk people, some of the local politicians and some of the workers who have been involved.

That is why we feel that one of the initiatives that would be useful—and this is, I think, where the province can and should be playing a role, and I am hoping as a result of this is taking a look at playing a role—in a city like Hamilton, and I suspect the same in Toronto and maybe one or two or three other centres, would be a permanent type of deal, because we have identified in Hamilton closures that we know are coming now. We also did not respond to some closures and the needs of some workers who were out of a job the way we have in terms of the Firestone deal.

I think in terms of cost effectiveness it would be much better if we were dealing with some kind of—it does not need to be a big operation at all but there has to be expertise there—worker training, retraining, replacement operation on a permanent basis while we are going through periods of dislocation, which I am afraid we may be facing for a period of time.

I am hoping that we are looking at this in terms of learning from the success of what happened with the Firestone deal, thinking of it not as a response to the next major layoff but as something that could be working on smaller layoffs that are going on right now. I hate to say it, but I doubt very much that we are going to see Canron in business much longer, and while it is only 160 employees they are mostly older employees in that plant. There are a number of others that are in the same position.

I will not name some of the others that really concern me at the moment, but we have this situation facing us; and I know they have it in Toronto, anticipated closures where we should be dealing now in advance of the closures and have these workers ready to move into a job and not have them in a position where they have to have some supplementary or other assistance in the meantime. I think that is part of the challenge, as I see it anyhow, to this province.

1740

**Ms. Avedon:** The biggest problem we have is the lack of co-ordination of services, because of what is federal responsibility and what is

provincial responsibility. In the Firestone example, there was sufficient political pressure put to bear on the federal government so that we were able to make sure that whoever could make use of retraining did so. Unfortunately, that is not always the case.

**Mr. Mackenzie:** For the 160 employees at Canron you will not have the same pressure; that is the point I am trying to make.

**Ms. Avedon:** Exactly. That is a huge problem we face, and you cannot have a good adjustment program without having that potential. What we are looking at right now is the possibility of providing training for people while they are under notice, which is being done in many other countries. If successful, it would allow people to move right into other employment without ever having to undergo the stress of unemployment.

**Hon. Mr. Sorbara:** I might ask Mr. Shardlow and Ms. Avedon whether they have anything further to add. There are a couple more points I want to make, but I will check with them first.

**Mr. Shardlow:** Go ahead.

**Hon. Mr. Sorbara:** Okay. We do not want to fool ourselves into thinking that, with the marvellous success we have experienced in the Firestone situation, we now have a perfect precedent and know exactly how to undertake these initiatives. Mr. Mackenzie makes a good point when he says that other, smaller situations might not receive such attention, perhaps because they are smaller and do not have as much political pressure brought to bear. I think it is a triumph of co-operation that we had in Firestone, but we also have to remember, being very frank about this, that we were dealing with that situation in an environment where we were trying to achieve results in a buoyant economy. That helped as well.

Just to make the point, we have to continue to ask ourselves how we can ensure that we are continuing to probe this issue of labour adjustment to give greater security in an environment, as I have said and he has said and as I think everyone on the committee would say were they to speak to it, of very substantial industrial restructuring.

There was another matter Mr. Mackenzie raised earlier this morning, having to do with the ultimate close of the Massey-Ferguson facility. I do not want to get into a full history of that right now. There were a number of questions asked. If I recall correctly, most of his comments were about the discontinuance of a variety of benefit packages that retirees from Massey-Ferguson

had expected would be continuing. There are of course a number of other issues relating to Massey-Ferguson: obviously pension issues and certainly the issue of termination and severance pay.

I want to take the opportunity to advise the committee and Mr. Mackenzie, because I know of his particular interest in this matter, that following the issuance of a court order—today, as a matter of fact—the director of the employment standards branch has appointed Professor Donald Carter of Queen's University as a referee under section 51 of the Employment Standards Act. The parties have been notified of the appointment of Professor Carter.

This is not, by the way, a simple and routine appointment of a referee under section 51, although there are aspects of it that are routine. There are very substantial and complex issues of fact and law that the referee will be confronted with. It was our view that a referee should be appointed, that it was appropriate to go before the court in the situation of the receivership to seek leave for the appointment of a referee. I am delighted to be able to announce that Professor Carter has accepted the appointment. Those hearings will be very complex and very important to the former employees of Massey-Ferguson.

**Mr. Mackenzie:** His terms of reference are fairly wide, I take it.

**Hon. Mr. Sorbara:** Perhaps I might ask Penny Dutton, the director of employment standards, to speak to that question. We are not going to be able to have enough time to fully examine the Massey-Ferguson case, should you want to do that, but I am wondering whether Ms. Dutton has any comments on terms of reference.

**Mr. Chairman:** In fairness to you, Ms. Dutton, I have been instructed as the chair to adjourn at 10 minutes of the hour.

**Hon. Mr. Sorbara:** I have one more brief comment to make about Bill 114, so perhaps you could be very brief. Just answer the question.

**Ms. Dutton:** There is a very simple answer, Mr. Mackenzie.

**Mr. Mackenzie:** I also have one short question that I told you earlier I want to put on the record.

**Ms. Dutton:** The simple answer is yes. Massey Combines itself is in a court-appointed receivership. It is an insolvency situation. Therefore, severance and termination are unsecured entitlements. Therefore, one of the key points, because there is no money in Massey



Combines Corp., is whether the "related employer" provisions of the Employment Standards Act can be used to tie those entitlements to other corporate entities. That is a key point, of incredible legal complexity, that is before a referee, and I would suggest some fairly ground-breaking areas as well.

Separate from that there are some very detailed issues concerning just the calculation of entitlements as to eligibility of various sets of employees, given the criteria within the Employment Standards Act. In a nutshell, the answer is yes.

**Mr. Mackenzie:** That is good information, but I hope we are looking at ground-breaking measures there.

**Mr. Chairman:** Is the question of Ms. Dutton or of the minister?

**Hon. Mr. Sorbara:** I will answer, unless I cannot, and then it will be of Ms. Dutton.

**Mr. Mackenzie:** If we are not looking at the "related company" connection, as I think I said in my statement, then is one of the sickest frauds, as far as I am concerned, that we have ever seen in this province.

**Hon. Mr. Sorbara:** I will ask leave of the committee to make one more brief statement on Bill 114, because the question of constitutionality in light of the Charter of Rights and Freedoms was raised.

I want to let the committee know, pursuant to Mr. Mackenzie's question, that really the legal authorities relied upon are the two pre-eminent cases in the area of retailing on Sunday, the first being *Edwards Books and Art Ltd. and HM the Queen*, a Supreme Court of Canada decision, which among other things stands for the proposition that the Retail Business Holidays Act is valid legislation and justifiable because there is a legitimate concern that retail workers are particularly vulnerable to employer pressures to Sunday work. As well, the ministry view is that the *Magder v. R.* case is authority for the fact that this is valid legislation and would withstand a charter challenge.

I think Mr. Mackenzie now has a question that he wants simply to get on the record.

**Mr. Mackenzie:** I can do it in half a minute just to put it on the record. Maybe the minister can get back to this committee in the course of our talks next week.

In one of the other committees, we are dealing with trespass legislation. I am sure the minister is aware of that. I do not know which committee or all the details of it, but I know there have been

strong representations made to our caucus by the trade union movement, to our concern. It has to do with the ability of an owner, in malls essentially, to work against, prevent organizing, picketing or even—we are told it may extend that far—informational leafleting, because of the private property provisions or the rules of the owners of the operation. It is one of those sleeper issues, but one that comes up about once a year or once every second year in a major way.

I am wondering if the Ministry of Labour has had any involvement with whoever is responsible for that particular piece of legislation and the effect it could have on workers' rights to try to organize, a strike situation or even a demonstration situation, such as we have had in some of the cleaners' operations and so on.

**Mr. Chairman:** I propose to adjourn the committee meeting in a moment on vote 2201 of the estimates of the Ministry of Labour. Before I do that, a final reminder that, by consensus at the beginning of our meeting this morning, we mentioned two items for next week. One was industrial relations and the other was workers' compensation, one from the ministry point of view and the other from the official opposition point of view.

It would be helpful if, between now and then, a time frame on approximately how long would be spent on those items would be conveyed to the chair. If there are any additional items like those two, where expertise from the ministry is required, if we know that in advance it would be helpful.

**Mr. Mackenzie:** Just as a suggestion, so that I can give a time, and it is not hard and fast, maybe we can say my colleague could do the Workers' Compensation Board bit at 10 o'clock and maybe you could actually call that vote, if you do not mind them out of order.

After we have had the discussion or the presentation on that, you can then schedule the industrial relations vote whenever you want—I understand Vic Pathe will be here then—and we can continue on with vote 2201. There will be a few individual questions in the other votes, but in the process we have set out, I think vote 2201 will really cover most of the work we need. I am open; I am not closed on this.

**Mr. Chairman:** It is the wish of the committee then that we call the Workers' Compensation Board at 10 o'clock or whenever we get going next Thursday morning, call the vote for that one specific item at the end of that discussion and then go into industrial relations.

The meeting is adjourned on vote 2201 of the Ministry of Labour.

The committee adjourned at 5:53 p.m.



## CONTENTS

Thursday, January 12, 1989

<b>Estimates, Ministry of Labour</b> .....	G-357
<b>Opening statements</b>	
Hon. Mr. Sorbara .....	G-357
Mr. Mackenzie .....	G-364
Mr. McLean .....	G-373
Mr. Mackenzie .....	G-375
<b>Crédits, ministère du Travail</b> .....	G-357
<b>Déclarations</b>	
l'hon. M. Sorbara .....	G-357
M. Mackenzie .....	G-364
M. McLean .....	G-373
M. Mackenzie .....	G-375
<b>Recess</b> .....	G-377
<b>Adjournment</b> .....	G-399

## STANDING COMMITTEE ON GENERAL GOVERNMENT

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Owen, Bruce (Simcoe Centre L) for Mr. Ruprecht

Roberts, Marietta L. D. (Elgin L) for Mr. Ruprecht

**Clerk:** Carrozza, Franco**Witnesses/Témoins:****From the Ministry of Labour:**

Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)

Thompson, Glenn R., Deputy Minister

Shardlow, Harry, Director, Employment Adjustment Branch

Avedon, Lisa, Manager, Counselling Services, Employment Adjustment Branch

Dutton, Penny, Director, Employment Standards Branch

Ignatieff, Nicholas, Acting Director, Policy Branch

**Du ministère du Travail:**

Sorbara, l'hon. Gregory S., ministre du Travail (York Centre L)









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# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Labour

**First Session, 34th Parliament**  
Thursday, January 19, 1989



Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, January 19, 1989

The committee met at 10:11 a.m. in room 228.

### ESTIMATES, MINISTRY OF LABOUR (continued)

**Mr. Chairman:** I would like to begin the meeting and recognize a quorum. We adjourned last day on vote 2201 in the estimates for the Ministry of Labour. By agreement we decided at the end of that day to focus in on two items today. As well, we must finish up the response by the minister.

We are changing what we agreed to do last week just a bit. We had anticipated beginning today with consideration of workers' compensation matters. Instead of that, we are going to begin by my recognizing the minister to let him finish his response. Then we will be emphasizing, in this morning's discussion, industrial relations.

I will recognize the minister.

**Hon. Mr. Sorbara:** I have one brief comment on the organization of today's business. I want to express my appreciation to the committee members for allowing us to readjust what we had agreed to last week; that is, to proceed this morning with matters dealing with industrial relations within the Ministry of Labour, and set over until this afternoon discussion of the estimates relating to workers' compensation and workers' compensation issues generally. That allows some officials within the Ministry of Labour to organize their time more efficiently and more effectively.

One more brief comment on organization of these estimates and these deliberations: While I do intend to make further comments in response to the opening statements and remarks of members of the committee, I believe that there were some questions raised, particularly by Mr. McLean, that I will not be getting to this morning. I want to acknowledge his presence here this morning and tell him that we will be responding in some detail and with some clarity to the issues he raised.

We have a number of hours left in these estimates. I propose we determine an appropriate time for that, just to give Mr. McLean and other members of the committee notice when those matters will be discussed. In addition, while I am responding to statements made by members of

the committee, I anticipate and welcome comments, and certainly have no concern at all if members of the committee want to stop me in full flight to interject or ask me to expand on matters that have been raised and that I am attempting to deal with this morning.

I begin, then, with a few remarks on the issue of wage protection, as it has come to be known in the parlance of labour policy issues and labour adjustment issues. I was quite taken, actually, by some comments that I think were made by Mr. Mackenzie and perhaps by Mr. Rae as well, the leader of the official opposition. I cannot recall now whether it was in question period or what the context was.

I think it was an appropriate—if I might say so—reminder to this government that this matter goes back quite some time and that predecessors of mine have relied on the suggestion that, firstly, it would be a far better thing if the federal government were to move in effectively and authoritatively in this area; secondly, that there is some potential and some options for a government in Ontario to move; and thirdly, that the Ministry of Labour is working on initiatives.

I think probably both Mr. Mackenzie and Mr. Rae have made those points. When I heard them made I felt somewhat sheepish, I should admit, because my notes and comments in public really reiterate those three main points.

I do not propose to do much more here but to say them again, with strong emphasis on the final one. As minister, I am determined to come to grips with the issue. Like all my predecessors, my one Liberal predecessor and several Progressive Conservative predecessors, I am aware of the efficacy and effectiveness national legislation could have, so the Ministry of Labour is going to continue to entertain, encourage and support discussions between Ontario and the federal government.

To tell you the truth, I am not very hopeful those discussions will bear fruit. As we went through the federal election campaign I did not hear one report from Pierre Cadieux, the Minister of Labour, that this was part of the government's commitment as it sought a second mandate. Certainly, I did not hear any speeches by the Prime Minister of Canada saying this was part and parcel of a larger strategy for labour

adjustment. In other words, I did not hear a word on it.

Certainly, there are discussions going on periodically among officials, but there is no public commitment from the federal government to proceed on wage protection. It would be a good idea; I wish they had. I think a national program could be very effective. It could create standards, programs and approaches that would be the same all across the country. Would that not be a good thing?

We tend to think people are born and raised in, or immigrate to Ontario and stay here for ever. The fact is they do not. They may work in Timmins, in Sarnia, then in Calgary for a while. If they are really lucky, they will get to Vancouver. Probably if they do they will not go any further.

At the same time, it is important to point out that from the perspective of the Ministry of Labour, there are deficiencies with the current thinking of the federal officials on wage protection. I do not want to get to all of those limitations at this point. Suffice it to say that officials within the Ministry of Labour in Ontario and within the federal bureaucracy are not *ad idem* on all of the points that would make up a program with which we could be entirely satisfied within Ontario.

**1020**

The only additional assurance I can give members of this committee, the Legislature and the province is simply to say that I have asked ministry officials to put a good deal more energy and devote more policy and analysis time to assessing what Ontario should do, always keeping the option open that if we can convince the feds to have a sufficiently effective program, we would cede the territory that is really theirs anyway.

A report was presented to this government a good number of years ago, in 1983 or 1984, when Donald Brown reported on this issue. I have taken the time to read and re-examine Don Brown's report and discuss it with officials. It is a very good piece of work. It brings to the policy process the issues that have to be confronted. It does not provide all the answers, and some of the things we have done within the ministry lately are to get beyond some of the problems Don Brown identified and identify a few issues that were not clearly resolved there.

Mr. Mackenzie had his hand up. He may want to ask a question or make an interjection.

**Mr. Mackenzie:** I appreciate the suggestion that you are once again looking at it, but forgive my cynicism a little bit. I will not reiterate all the

points I made in the first day of these hearings, but I would like to point out that I can recall this issue being raised fairly forcefully, in either 1976 or 1977 if I am not mistaken.

I can remember a defence, at first by Bette Stephenson and then by Robert Elgie in a previous government, that it had to be federal action. I can remember Elgie coming around after probably a couple of years, when the issue surfaced three or four times a year. I think he was the first one who said the province was prepared to look at legislation on its own; and you know, we are back almost 10 years.

I can remember comments made by Russell Ramsay as minister. I can remember—I had them the last session; I did not bring them with me today and it is not that important—the news clippings I brought specifically about your predecessor, William Wrye, and his comments in 1985. He said very clearly that the government was prepared to move quite quickly at that stage of the game and was looking at it, and that it was not going to be long before we had some action on it.

That was 1985. I think it would be a hell of a lot better to get a little real truth on the floor on this issue. Either we are going to do something or we are not. We have been able to survive for almost 10 years with a commitment that we are going to finally move in this area and we have not moved, period. The minister knows that.

I am not trying to be nasty. I am just asking how long do you get around something by dancing on the issue without saying: "Hey, it's not practical. We don't see how we can do it and we're not going to do it." If the case comes that you can have a real fight on it let's have it. Or are we going to go another two or three years saying, "It would be much better if we could do it federally." We seem to have almost regressed a step in the comments you have just made, that now we should be looking at federal legislation once again.

I offered at least one suggestion in terms of the discussions we have on it from time to time in the labour movement. It is pretty obvious you cannot get anything out of a company that has already been drained in a straight bankruptcy case or closure. We may have to look at some kind of insurance scheme; I do not know.

My point is I do not think the feds are going to act. I think you are not being fair if you say we should be talking to them again. I have no objection to talking to them, but they have not acted in 10 or 15 years this was supposed to be on their agenda.



It is also clear that about 1977 or 1978 we started to say in Ontario that we would look at Ontario legislation if we had to. Your predecessor was quite clear in the comments he made in 1985, which is four years ago. Here today we are still sitting with nothing more than what you are telling us, that we should go back and have more discussion with the feds and that you are asking your ministry people to give it serious consideration.

What are they considering? Are they considering some kind of an insurance scheme? Is there anything positive there or are you just giving us another nice little song and dance, for which I thank you very much? We have gone through it 10 times now.

**Hon. Mr. Sorbara:** Perhaps it is the earliness of the hour that seems to have resulted in the fact that I am not making myself as clear as I want to on this point. In part, you are right: you cannot garner more out of my comments than that we are now at the point where we were with Bob Elgie back at the beginning of the decade.

Obviously, I am not prepared to say the government is going to do this until those processes you are completely familiar with are completed: that is a proposal has been crafted, presented before committees of cabinet and then been approved by cabinet and become government policy.

I guess the only thing I can tell you that perhaps will give you some sense of where we are is that when I arrived in the ministry there was more energy in terms of person-hours being put into the ongoing discussion with the federal government and less time being put into analysing in detail what an Ontario option would be, including the option, obviously, of an insurance fund that would provide for those very situations you talked about.

The balance of human talent was going towards ongoing discussion with the federal government. What I have done in the ministry is shift that balance very substantially towards just keeping a line open with the federal government, keeping a listening ear on what it is talking about, to see if it is talking, with most of the human energy going into crafting alternatives for Ontario.

This government does not announce policies when ministers feel they would like to get the political credit for doing something. I announce policies out of the Ministry of Labour when all the i's have been dotted, etc. That is all I have done. I think maybe there is no more to say about it. It is a good time to talk about it because we are

talking about estimates and that is how we spend the money. We are spending more money, in terms of wages, salaries and people's retirement policy analyses, on working out in detail what Ontario could do.

**Mr. Mackenzie:** I appreciate what the minister said, but I hope he realizes what he has also said by saying that when he took over he found more attention was being given to the possibility of the ongoing federal discussions: it sure does not give much credibility to the comments we had from his predecessor in 1985.

**Hon. Mr. Sorbara:** Mr. Mackenzie, consider that was in 1985 and there may have been a number of shifts going on at that time. I am convinced there was a point between 1985 and 1987 when the federal government was very serious about moving, but I have to make a political judgement, given the time. I think the intervening of a federal election, one of the most important in our history, on free trade and the fact that labour adjustment issues remain, at least from the federal government's perspective one of the unresolved issues out of that election—after all, Mulroney and his gang said to us, "Well, we'll deal with that." It was an interesting strategy to keep de Grandpré's exercise on labour adjustment going during the federal election campaign.

**Mr. Mackenzie:** How was that different from what happened in 1985?

**Hon. Mr. Sorbara:** Because it was not happening when Bill Wrye talked about this issue in 1985. I am just afraid that with labour adjustment writ large and training and all of that stuff being the focus of the federal government, and having received a new mandate without having legislated in the area of wage protection they will lose their enthusiasm for the initiative. They have a lot of other things they probably want to do and a lot of election commitments that are going to keep them busy.

That was not, with respect, the environment Bill Wrye found himself in in 1985. Indeed in 1987, when I came on the scene, there was more going on at the federal level in this area than there was leading up to the federal election. I think the dynamic has changed.

If it turns out that Ontario becomes the first legislator of significance in this area in Canada, so be it. Ultimately, we will end up with a national program, but the Tories in Ottawa do not have much current enthusiasm for it. That is my own political judgement. That is why we have one ear on it: in case they say "Hold on—for goodness' sake stop—we have this problem in



hand." I have not heard that; my officials have not given me that inference.

1030

**Mr. Mackenzie:** The final comment that I have may get into a couple of matters on the employment standards questions we may have. This is not just an abstract with me. We have been through too damn many closures where workers have not been able to pick up what might rightfully have been theirs.

We have had a couple recently. One you have acted upon with a recent appointment—I am talking about Massey-Ferguson—but I sure as hell would like to know how we ever had those workers so thoroughly done in as they were in that particular situation. In a recent one that I have been raising—and I know you have taken a look at it—how in blazes can the Max Security and Investigations guards end up with the kind of hosing they have been taking, or at least the delays in getting some wages or moneys that are legitimately owed to them?

I guess there are problems. We had a big wrestling extravaganza. I think the Tunney brothers were involved in it. They were the owners of this Max Security that has really done in these workers. They can drive around in the bloody limousines, and yet you have 26 workers who are owed \$60,000 or \$70,000 or something like that; I forget the actual figures now.

It is ordinary and usually more defenceless workers who are getting taken to the cleaners in these situations. We have cases come up every year that we raise, and every year, as I say, we seem to now have regressed back to—well, you are taking a look at it you tell us, minister; more pressure on the feds. I am convinced that the feds are not going to act on this.

**Hon. Mr. Sorbara:** My strategy is not to waste a lot of time putting pressure on the feds on this. Could I just very quickly make a comment or two on the issue of minimum wage? I think this is important for a number of reasons.

First, reference has been made to minimum wage in the social assistance review committee's work, that is Judge Thomson's work. Secondly and most recently, reference was made to it in the report on predominantly female establishments that was submitted to me by the Pay Equity Commission pursuant to a statutory obligation in the Pay Equity Act. Third, Mr. Mackenzie had a private member's bill which would have indexed the minimum wage to 65 per cent of the average industrial wage. I think it is a bill that you have or he has had before the Legislature on a number of occasions, and I think you have expressed your

views fairly clearly on where this matter should be.

By the way, the current average industrial wage is \$11.70 and the effect of Mr. Mackenzie's bill would be that the minimum wage today would be \$7.60 per hour. The social assistance review committee report calls for a minimum wage of \$5.86 per hour, which would translate into a 23 per cent increase over the current rate.

As an interesting comparison on Judge Thomson's views, Mr. Mackenzie's views: in the United States, I am given to understand, the Kennedy-Hawkins bill, which proposed to increase the US federal minimum wage from US\$3.35 to US\$3.85 as of January 1989, was withdrawn from the US Congress.

I think it is important to understand that the minimum wage is utilized in this province as a minimum standard. It would be nice to pretend, I guess, that one could adjust the minimum wage in a dramatic fashion, say in the fashion proposed by Bill 156, or even the way in which Judge Thomson proposes to do it. The benefits of higher wages would be part of the lives of people working at minimum wage, and there would be no other economic implications, no other wage implications even.

The fact of the matter is, though, that within our economy the minimum wage is one of the benchmarks that business and labour use to set wages and analyse and consider the value of wages throughout the economy. This is not to say that every collective agreement that is negotiated looks at what the minimum wage is to determine what should be sought, but it is a very important benchmark because it is a statutory minimum standard and requires adjustments every time it is amended for those people who are at the minimum wage before it is amended.

Because it is a standard within our economy, each time it is amended it does have repercussions throughout the economy, in a sense like the value of the Canadian dollar as measured against the American dollar, which is the global standard, or like the price of gold, the price of nickel or the price of a variety of commodities.

So we ought not to think that we can bring a higher level of income to people currently working on minimum wage by changing that and that there would be no other implications for the rest of the economy, and indeed even for government.

The Futures program, which was introduced while I was Minister of Skills Development, is a program that concentrates significantly on on-the-job training for young people. The salary

going to those young people is the minimum wage, so if we raise the minimum wage we enhance the cost of that program. Just a minor thing, but that means that we expand our deficit or raise our taxes or whatever.

**Mr. Mackenzie:** Can I ask a question about that?

**Hon. Mr. Sorbara:** Sure.

**Mr. Mackenzie:** I sense that what you are telling us is that because of its effect, as you see it, on the economy, this is not likely to be a major tool in terms of any kind of income redistribution or fairness. Let me complete my few comments to you. I say that because, first, I thought Thomson was very direct and very tough on this need for a substantial increase in the minimum wage to start resolving the poverty problems we have in the province. I think that it is obvious we have a problem in terms of pay equity issue. Women in low-paying ghetto areas is a problem that we warned you of when we were debating this bill some time ago, but now it is obvious in the report that has just been issued.

I am not sure that the usual economic arguments hold true. I can recall dire predictions within the last few months of what was going to happen to our economy if the Canadian dollar got up to near 84 cents or 85 cents. It has not yet. I do not doubt that there may be some effects. I can recall going back to the Henry Ford days and what was said about the kinds of wages he wanted to pay workers. I can recall contract negotiations as a member of the doggone local, where companies practically threatened to go out of business if they had to pay anywhere near what we were asking for in those negotiations—none of which ever happened.

I think people forget that once you have established a minimum standard that applies to everybody there is an awful lot of a shake-down that goes on. My point is that I think there is a growing awareness in society that we have to do something about the lower-income levels. It is much better to have people working, and a decent wage certainly encourages that, than to have some of the subsidy programs that we have, in my opinion. I think others would agree and I think that is why you have comments such as Thomson's comments. I think the case has been underlined in the pay equity issue in terms of women's wages.

Is that not enough reason to take a serious look at what we might accomplish by giving some initiative or leadership on wages? I have not looked for years at what the legislation is in Sweden, which we often quote, but I do

know—my colleagues tell me—that there is nobody working over there at less than \$7-something an hour.

I guess what I am really saying is have you rejected this—which is what it sounds like—because of the economic factors generally in society? I would just simply like to know.

1040

**Hon. Mr. Sorbara:** No. To go back to your initial comment, if you go beyond the question of whether I have rejected it the answer is no. Your initial comments are right. It is a major economic lever. That is why it has to be considered among a variety of economic levers.

**Mr. Mackenzie:** That means no action.

**Hon. Mr. Sorbara:** No, it does not necessarily mean no action. I am, first, trying to get beyond the simplistic view, and I think you appreciate this, that one raises the minimum wage and the only effect is on those who earn the minimum wage. That is not the case. If, for example, under your bill, you raise the minimum wage today to \$7.60 an hour, there are a lot of people working at \$7.60 an hour who will immediately insist on creating the same distance between their income and the minimum wage. You know that. You know that perhaps because you have been involved in a number of contract negotiations.

**Mr. Mackenzie:** If that would happen I do not think you would find an immediate outcry for that thing. I think it would be a natural progression.

**Hon. Mr. Sorbara:** All I am saying is, if we consider it as a major economic tool, then we put it in the arsenal of things that we might want to use for major initiatives in economic redistribution. Those decisions have not been made, and you know and I know that those decisions are not within the exclusive advisory capacity of the Ministry of Labour, because they have a far more dramatic impact on the nature of our economy than simply a matter of labour regulation. That is all I want to say about it.

As we look at labour adjustment policies, there are a variety of economic tools and this is one of them. The truth is we are not currently contemplating a discreet initiative with the minimum wage within our own shop, but we have said to government that this is one of the levers, consistent with what Thomson says and what Podrebarac is alluding to in the report on predominantly female establishments, that government might want to consider.



**Mr. McLean:** Do you plan on raising the minimum wage to \$5.86, and when do you plan on doing it?

**Hon. Mr. Sorbara:** Do I plan on raising it to \$5.86 and when do I plan on doing it?

**Mr. McLean:** Right.

**Hon. Mr. Sorbara:** I have no current plans to raise it to \$5.86.

You will know that my predecessor announced and has implemented a policy of annual reviews and statements on the minimum wage rather than the ad hocery he had inherited. He also enunciated a policy that has Ontario and Quebec consulting on the minimum wage prior to final determinations within government and announcements. I have carried out that policy.

I do not think we are wedded to an obligation to be entirely consistent with initiatives in the province of Quebec, but I think it has worked well. I think it should continue. I think Ontario and Quebec have the highest minimum wage in Canada right now, and appropriately so.

The answer to your question in short is, I have no immediate plans to do that.

**Mr. McLean:** That is what I wanted to hear. I did not want to hear it, but that is what—

**Mr. Chairman:** Supplementary, Mr. Callahan?

**Mr. Callahan:** I thought they were finished. It is a supplementary, but it is a long supplementary. I will wait.

**Mr. Chairman:** We are talking about minimum wage.

**Mr. Callahan:** In the United States, very few of the states seem to have minimum wage. What impact do you see that free trade and so on is going to have on that?

**Hon. Mr. Sorbara:** It is an important question. It may mean that some of us should spend some time down in some of those American jurisdictions lobbying for an appropriate, decent, humane minimum wage for those jurisdictions.

The answer is, I think, that there will be far more submissions to me as Minister of Labour, to the Treasurer (Mr. R. F. Nixon), to all of us in all political parties to exercise restraint, in light of the free trade agreement, in reassessing or raising the minimum wage, just more pressure. In other words, they come in to you and they say, "Now, you'll not want to adjust your minimum wage now that we have free trade, because as you know," and then the list comes out of jurisdictions in the United States and what their minimum wages are. I think we are obliged to

consider that advice for what it is worth and then consider our obligations to the working people of this province.

By the way, on that subject and where it is going, when I said that the ministry is not contemplating any initiatives to go to the level Mr. McLean was talking about, I was talking about within government. On the broader issue, and particularly considering the Social Assistance Review Committee's work, there are a number of initiatives that are under active consideration, but those discussions, those analyses are not going on within the narrow confines of the Ministry of Labour.

**Mr. Callahan:** I have an additional question, Mr. Chairman. It spins off from minimum wage, but I will wait until the critics are finished.

**Mr. Chairman:** The situation here is that the minister is responding and he welcomes comments on his response. Unless it is related to the response I would agree with—

**Mr. Callahan:** I think it is somewhat related. When I look at the agreements that have been reached in Canada, in terms of the wages that Canadians are getting vis-à-vis some that have been reached in the United States, and when I speculate about the impact free trade might have on industrial relations here in this country—I do not know whether you have thought about that, Minister, or whether it is something you want to comment on—it seems to me it could have an impact on future collective bargaining, perhaps even on rethinking collective bargaining that is already in place. I know that gave the government some concern during the free trade discussions, because we were concerned about that. Have you had any discussions with your counterparts in Ottawa in terms of how they are going to deal with that?

**Hon. Mr. Sorbara:** The exercise in Ottawa has been restricted almost exclusively to de Grandpré and his mandate from the Prime Minister to look at labour adjustment issues, and this would be one of them.

I do have a lot of other things that I want to respond to, but the industrial relations shop has organized its day to be here, so I want to perhaps get on to that and do it, just by way of introduction, through some comments that were made on a speech that the current chair of the Ontario Labour Relations Board made on the future of the industrial relations climate, particularly in light of the impact of free trade. It relates, in part, to the comment that Mr. Callahan was making.



There was a suggestion in Mr. Mackenzie's opening statement to these estimates that the industrial relations climate in Ontario might be negatively impacted by the additional uncertainty created by free trade. For that, I think he relied on or referred to the speech made by Rosalie Abella. I am not that pessimistic, but I think we do enter a somewhat new environment. I was going to say I am not that pessimistic because I am not a New Democrat, but Mr. Mackenzie was out of the room so I did not; now he has returned.

**Mr. Mackenzie:** It could be called realistic. I want to do something.

**Hon. Mr. Sorbara:** In any event, the suggestion was made by Mr. Mackenzie that the industrial relations climate might be negatively affected by the additional uncertainty created by free trade, and there was reference made to Rosalie Abella's speech.

1050

I think it is an important issue and worthy of discussion here. Vic Pathe, who is the assistant deputy minister for industrial relations, really is the person within the Ministry of Labour in the government of Ontario who is in continuing contact with those involved in the collective bargaining process. I think he has some views on that subject and I am going to ask him to come up and join us at these committee hearings, along with whomever else he wants to bring up, and be available for questions. Prior to that, he might express a view or two on the significant impact of the bargaining process, such as swings in the business cycle or particular sectoral growth or shrinkage.

**Mr. Pathe:** I am sorry, Minister. I did not hear the lead-in.

**Hon. Mr. Sorbara:** I am sorry to wake you. I know it is early for—

**Mr. Mackenzie:** He wants a couple more coffees before he starts.

**Mr. Pathe:** It is early in the day but late in the week.

**Hon. Mr. Sorbara:** I am just, by way of introduction, inviting you to generally express your views on the current industrial relations climate within Ontario. The reference in Mr. Mackenzie's speech was to the destabilizing effect, if I might paraphrase his remarks, that the free trade agreement will have on the future of industrial relations. My opening comments were that probably no one in the government of Ontario has a more comprehensive feel for industrial relations in Ontario than you. I only

say that in your presence. I say other things when you are not in the room.

**Mr. Mackenzie:** Increasing tensions was one of the comments I made, which I think was part of the theme or some of the comments of Ms. Abella as well. The reason I was out of the room was to see if her speech, which she agreed to courier down here this morning, was in my office yet because I did not have a copy.

**Hon. Mr. Sorbara:** Okay. Why don't we—

**Mr. Pathe:** We have a copy of that speech if you would like it. The safest thing to do is to predict that it will deteriorate, but I am not persuaded that is the case. I think we have seen a considerable maturing in a lot of important collective bargaining relationships in the province. I think there are signs and I think one can be reasonably optimistic there is maturing and the development of better relationships between the bargaining parties is going to continue.

In the industries which will be most affected by a more competitive situation, yes, I think there will be some tough bargaining. We have not seen the end, in those industries at least, of employers seeking more workplace flexibility. So I expect that to continue for quite a few years. One can argue that that was going to happen in any case, but it may be compounded. There may be more determination on the part of employers affected by free trade because of the free trade competition.

On the other side, I do not think we have seen the end of increasing employee concerns about job security. A whole host of issues which all come under that general heading are going to make bargaining difficult: issues to do with severance and pension and earlier retirement with less or no actuarial reduction. Prohibitions against contracting out will continue to be an issue at the bargaining table, plus all of those things which ultimately affect job security.

In a number of relationships, one might be optimistic and speculate that there is a tradeoff, that in exchange for more job security for employees, employers can gain more flexibility. I believe there are signs. For example, I can remember 10 years ago, when if in a labour-management forum the word "productivity" was mentioned hackles were up and people would walk out of meetings. Productivity now appears to be something which both sides can discuss and do discuss. I think that is a positive thing.

To deal with some actual relationships, I think some good signs are to be found in the fact that in the steel industry the last time time around the steel companies and the steelworkers not only did

not go to a strike-lockout deadline, but also renegotiated their agreements and made early settlements. The reason for that, the main sort of propulsion for that was the need to satisfy steel customers that there would be continuity of supplies. So there you saw steel companies and the steel union saying, "Let's get it settled and satisfy the customers that there won't be any interruption and there won't be loss of market." Compare that to earlier negotiations between those companies and the steel union and that has to be seen as a very positive sign.

**Mr. Mackenzie:** What about multicrafting? Do you see any problems with that in the future?

**Mr. Pathe:** Multicrafting in a number of plants is going to be an issue. In the pulp and paper industry the last time around a number of companies were determined to make gains in their right to have multiskilled people rather than individuals who are just single-skilled. That is a very tough and very emotional issue, but it is not an issue which affects large numbers in the plant, so the dynamic of collective bargaining and ratification, how decisions are made, will be interesting. But you are right, that is an issue which many companies are very concerned about.

Those I have had any experience with who are determined to make gains are prepared to make some pretty substantial monetary compensations, are prepared to pay for additional skills, but it gets back under that whole issue of job security. There is great apprehension on the part of working people when it comes to change that might affect the security of their future.

One can be pessimistic. I do not think there are any clear signs yet that the 1990s will be terribly troublesome; 1990 is what might be called a watershed year. We were just checking. Almost all the major industries in the province renegotiate their agreements in 1990: the Big Three auto companies, the steel industry, all sectors of the construction industry, health care, retail trade, meat packing; the list goes on and on. It will be the first sort of real heavy year in collective bargaining in the province since the free trade deal became the law.

It will be a very tough and interesting year, but I think we have come a long way in the 1980s. I think collective bargaining has withstood some real tests coming through the recession and out of the recession and we should be pretty proud of what has happened. The bargaining parties in this province are mature and their relationships are much stronger than they were.

For example, just 10 years ago we were in the midst of the nine months' strike at Inco. That began in September 1978 and went until June 1979. I do not know whether it is me, whether I have been around too long, but I find it very difficult to conceive of another strike of that magnitude. Attitudes were different, circumstances were quite different and the strike was almost inevitable, but it is hard to conceive of that happening again. It might, but there are no signs of that kind of contest developing.

**Mr. Mackenzie:** What does the deputy see in terms of branch plant closures? I am referring in particular to comments we had before the committee that was dealing with free trade by a vice-president of CP Trucks who indicated that his own survey of the firms they were doing business with indicated that as many as 500 small Ontario plants have told him there was really no rationalization for remaining open under a free trade agreement.

There have been a few examples. We had one as early as yesterday, not in exactly the same category, but the Echlin case that we raised in the House. Are we going to see any major actions in these smaller plants such as he predicted? That can be an offset to a few of the big ones, as I think the deputy knows.

1100

**Mr. Pathe:** I am not the deputy.

**Mr. Mackenzie:** Forgive me.

**Mr. Pathe:** I was not when I left the office this morning at any rate.

**Mr. Chairman:** None of you got your envelopes then today, is that it?

**Mr. Pathe:** In the interests of continuing to be the assistant deputy, I thought I should make that point.

To be honest with you, I am not very heavily into labour market stuff, nor am I terribly privy to what different companies and industries are inclined to do. I think it is naïve to think that there will not be some lost jobs and some plant closures. Whether or not there will be a massive avalanche of plant closures in the next two or three years, I really do not know, but I do not see any great signs of it. I do not hear that from the company people I talk to from time to time. I really do not know.

**Hon. Mr. Sorbara:** I do not want to interrupt too severely Mr. Mackenzie's line of questioning, but I just want to interject and to ensure that we make an appropriate distinction on the issue of rationalization, which I think is very real, particularly affecting branch plants but not



necessarily only branch plants. It is one issue that we have to confront. If we simply bury our heads in the sand and say, as the Prime Minister does, it is all growth, joy and beauty now that we have free trade, we will be absolutely irresponsible in our obligation to the public that elects us.

**Mr. Mackenzie:** We have been trying to get you to confront that. I understand rationalization has been going on for years, but we have an added component now as a result of the use of small branch plants and whether they are needed or not.

**Hon. Mr. Sorbara:** The question, though, that I thought we were discussing here is the industrial relations climate, the acceptance of the trade union movement, its ability to freely organize and continue to carry out its mandate in a free trade environment. I am not the authority on this, officials within the ministry are the authorities, but my own suspicion is that the more likely targets for rationalization and closure are the ones that are unorganized. That may not be the case.

I have not had one lobby group of employers come into me, for example, and say, "Now that we're going to have free trade, you had better start changing and toughening up that terrible Ontario Labour Relations Act." None of that. They have said to me: "You've got to be careful on things like minimum wage. You've got to be careful on your deficit. You've got to watch what you are doing on pay equity." But no one has said it is time now for some employer amendments or some business-oriented or management-driven amendments to the Ontario Labour Relations Act.

Indeed, one of the things that has really impressed me in a year and a half as Minister of Labour is the maturity of the relationship between management and labour and how they have developed the structures necessary to resolve their own problems. I think it is one of the messages that the ordinary citizen who does not participate in the trade union movement does not really understand all that well. But the fact is, at least from where I sit, it feels pretty good and not as threatened as maybe Judge Abella's comments were interpreted to mean.

**Mr. Mackenzie:** You would not want to comment that maybe they just feel a heck of a lot more comfortable with you and your government, would you?

**Hon. Mr. Sorbara:** No. Anyway, I think I have interrupted Mr. Pathe in his own analysis.

**Mr. Mackenzie:** There are a few questions I would like to ask that maybe Mr. Pathe could comment on.

**Mr. Chairman:** Could I interject for just a moment? Mr. Pathe was not here when we set the ground rules. My preference, as chair, is that you just have a dialogue. If somebody catches my eye for a supplementary I may interject, but other than that just feel free to talk about the things that matter.

**Mr. Mackenzie:** There is a suspicion, but we do not know and I do not know all the details as yet, but I am appalled, for example, in the Echlin case on which we raised as a question in the House yesterday, that a plant that was in mediation or arbitration or whatever stage it was in and actually had a ratification scheduled for January 9, is suddenly notified that all of the production facilities are closing.

Interjection.

**Mr. Mackenzie:** They were notified on the 10th.

Forgive me for being more than a little suspicious. As I say, 100 out of 125 workers, according to what the union tells me, have five years or less seniority. So even with the maximum benefits and a better package that they have been able to negotiate, there is not a hell of a lot of happiness in that situation. How can we be in a situation where something like this can happen with such suddenness and unexpectedness?

Maybe I could give just two or three examples for the assistant deputy minister to look at. Mr. Pathe knows that I was appalled, as were the energy and chemical workers, over the Dow Chemical situation. That was a strike that lasted for months and a strike where we had the company, or the manager who was operating, bring in its negotiator, if you like, who had a long history, well documented by the union, of taking on unions and deliberately saying that his job was, if he could, to get rid of them. He had a history of some four or five strikes in the United States where this is the role he played.

He immediately set up procedures that were not the norm in their strikes, where trucks—in many cases false trucks, no loads on them at all—would come in and out at any hour. All of a sudden when they went in and out they would raise construction booms they had on the site to point the cameras at the picket line. It was a deliberate effort to provoke workers, who actually disciplined themselves very well. But it was a heck of a situation down there that we seemed to have real difficulty dealing with. I know it was finally resolved, but there certainly was no indication of harmony in the labour relations field. The letters I got on that not only



came from the union, with which we have pretty good communication, but from a number of the individual workers on the line who wanted to know how all of this could happen.

I do not know the details in this case, but I raise it as a third one. I think I had four that I just wanted to use as examples. A letter that I saw for the first time this morning—as a matter of fact my leader turned it over to me—came from our new member, the member for Welland-Thorold (Mr. Kormos). I will read it to you because I think it states the case better than anything I can do.

"Attached is a copy of a letter forwarded to Vince Kerrio by the negotiating committee of Ronal,"—this is a Canadian Auto Workers local—"who will be meeting with him in his office on Friday, January 13...."

"Please provide copies to Bob Rae and Bob Mackenzie."

"Thanks for your help and co-operation."

It is signed by Jim Porter, representative of the auto workers. The letter reads as follows:

"I am sorry that I cannot appear in person, as I am in contract negotiations in Welland at this time. I would, however, like to submit the following details regarding the lockout of the workers at Ronal Canada Inc., Stevensville, Ontario, on December 12, 1988.

"The CAW was certified as the bargaining agent in May 1988. As required, the company was contacted by letter and informed of the union's desire to negotiate a first-contract agreement.

"Language for the proposed agreement was supplied to the company and their lawyer, Mr. Warren K. Winkler of Messrs. Winkler, Filion and Wakely, suite 1800, 390 Bay Street, Toronto...."

"The first meeting was held June 30, 1988, followed by two meetings in August and one in each month of September, October, November and December.

"Noneconomic language was settled fairly quickly and conciliation was applied for and a 'no board' report received from the Minister of Labour.

"A self-imposed deadline was agreed on between the parties and meetings scheduled on November 30, December 1 and December 2, in an endeavour to reach an amicable settlement before the parties resorted to the legal recourse provided under the Labour Relations Act of Ontario.

"On December 1, the company tabled an economic offer which did not include any improvement in basic wage rates. They did,

however, table a group incentive plan that was very clearly flawed and under present working conditions, unattainable. To this, they tied a demand for a continental work week that was also unacceptable to the union.

"In an attempt to reach a last-minute agreement the union withdrew its strike deadline and applied for a meeting with the mediator, Mr. R. Pryor. That meeting was held at 400 University Avenue at 12:30 p.m. in order to accommodate Mr. Winkler. At that meeting, Mr. Pryor inquired as to the committee's terms of reference and if they could be flexible. He was given that assurance.

#### 1110

"The only offer tabled by the company was a rehash of the group incentive plan and tied to the same hours of work for the maintenance department.

"This, the committee rejected as unacceptable, but agreed to report it out fully to their membership and this was done at a specially called meeting.

"At approximately 3 p.m., Mr. Pryor asked the committee if they were aware that the company had posted notices in the plant informing the employees that the plant would close on Sunday, December 12 at 11 p.m. until further notice. Workers previously scheduled to work on Saturday, December 11 were told by their supervisors and some by telephone, not to report. With that negotiations ended.

"I would respectfully suggest that the actions of this employer are in complete contrast with the picture painted by them when they held their gala official opening in March of 1988.

"It is understandable that various levels of government make attractive offers to foreign companies in order to attract them to locate in their particular area.

"It is quite another thing for them to use these moneys provided for by Canadian taxpayers to use as a bargaining weapon against its Canadian employees. There is no doubt that the meetings scheduled by the company were designed to put extra pressure on the employees to settle before Christmas and to renege on the payment of at least the paid holidays designated in section 5 of the Employment Standards Act of this province is quite unforgivable.

"The members of Local 198, CAW, respectfully request that you and other members of Her Majesty's government of the province of Ontario, do your utmost to force this employer to bargain in good faith and attempt to reach a first-contract agreement."

It deals with the first contract, part 2. That is a little long, but I use it only as the most recent case. Between Echlin, the experiences of Dow and a number of others I could put on the record—I will not—all in this last short period of time, it raises some questions in my mind as to just what is really going on in terms of the perception and in terms of the comments I am getting from the trade union movement, that there is certainly, whether it has exploded yet or not, increased tension developing.

I hope you are right, Mr. Pathe, in your perception of what is going on. Certainly, there is more than a little concern, I can tell you. I could add to that Stelco and the concerns, not only multicrafting but overtime and a number of other issues, that are starting to develop even before one of the biggies gets down to negotiations at that plant. There we do get threats about competition, let me tell you.

**Mr. Pathe:** Let me begin by saying this: There are 9,000 collective agreements in the province. I do not know precisely the number that are under acts like the Hospital Labour Disputes Arbitration Act, the Police Act and the Fire Departments Act, but with the exception of those, the vast majority all have the right to strike and lockout. We have been keeping strike reports updated weekly since about mid-1976. In the late 1970s, coming out of controls, in any given week there would be 6,000 or 7,000 people on strike. When there was a big strike, like Stelco or Inco, the numbers were increased by that number.

During the federal anti-inflation controls, beginning in 1975 and running through to 1978, the numbers were down to about 3,000 a week. During the 1980s, despite the fact there are 9,000 collective agreements and despite the fact the labour board certifies, the last I saw 600 or 700 new bargaining units each year, we run at any point in time somewhere between 20 and 30 strikes or lockouts. This week, for example, as of January 17, there were only 13. I think to some extent this is a symptom of the low number of parties that are bargaining at this time, but it is not uncommon for us to have 30.

**Mr. Mackenzie:** Some of them like the Canadian Medical Laboratories have been out for a long, long time.

**Mr. Pathe:** Some of them have been out for a very long time and some of them are really quite brief. A good example of a brief strike was the one in the York Region Board of Education where they were out for seven days and settled just this past Sunday.

We always will have some strikes and some lockouts. A lot of people, I think, on both sides of the labour-management community, would argue that not only is that inevitable but that it is also desirable, that it is what makes the system operate. It is all part of an adversarial system of collective bargaining that everyone treasures so dearly.

I am not really up to speed on Echlin and I am only modestly up to speed on Ronal, but let's talk for a minute about Dow. Dow was a classic case of a large multinational corporation with very much a state-of-the-art facility in Sarnia. I was heavily involved with it, particularly towards the end and the settlement.

For reasons I will never fully understand, the corporation in my opinion—I have said this to it, so I am not saying anything here I have not said to the company—really did underestimate the union. There were issues the company wished to have addressed. It made a judgement that with a certain bargaining strategy it could get there, and as the strike wore on it became very clear it could not.

Those of us involved from the ministry were as frustrated as anyone with the way those talks progressed and the way the parties, both sides, handled their negotiations. It was one of those cases where it was a long-standing bargaining relationship that for a variety of circumstances came together to cause a very long and difficult strike. But it did get settled and they settled it themselves in some very tough rounds of bargaining. It would be my guess that it will be a long time before there is a strike of that magnitude at that company again. There is no explanation for it other than that. If the parties were here, I would be very surprised if they could give an explanation.

**Mr. Mackenzie,** you refer to some of the things that went on, such as the cameras on cranes. Whenever you get a strike that involves 600 or 700 people, particularly as that one did, all kinds of hoopla goes on and allegations abound. One of the things we had to deal with up front on that one when I got involved was that there was a very strong feeling on the part of the union that the company did not want to bargain, that it wanted to go through the motions of bargaining and mediation, but that at the end of the day it was doing that more for appearance's sake than with a view to getting a collective agreement.

We had to get senior people in from the corporation. We had to put them across the table from the union and we had to be able to get that out, "Where are you at?"



I cannot really talk about what happened before I was involved, but from that point there were no signs the company wanted anything but to get it settled. Towards the end of the negotiations in particular, the company did things to get a settlement that it had no real plan to do.

There was a lot of bad feeling in that strike and a lot of suspicion on the part of the union; there was a lot on the part of the company as to what some of the union people's motives were. We dispelled those very quickly, because I do not think the local union in that situation had ever had any objective but to get a decent settlement. It was a long strike—

**Mr. Mackenzie:** In that case, either you have missed the point or do not want to deal with it; I am not sure which.

**Mr. Pathe:** Okay. Give me the point.

**Mr. Mackenzie:** You will recall that after some long period in that strike I contacted you, as I had contacted others, and asked if you would have a special meeting with the committee at the time, which you did and I appreciate that very much. I raised with you the kinds of concerns that were being given, which you have alluded to, and some of the statements we had from the person who had been sent in at the beginning of those negotiations—it was not a long-term person—and the record the union had of his activities.

You can forgive the union for being suspicious. His role had been one of trying to beat strikes and get rid of unions, and he had been successful in the United States. That was the kind of context. Maybe when you had other senior company people there, after this did not work, fine and dandy.

My argument, I guess, is why can something like this happen and be so clearly developed at that stage when the union itself was going out of its way to control that picket line and make sure there were no incidents, and yet there were clearly efforts at that stage of the strike to provoke them? I think there is still something wrong when companies can move—that could not have been an individual move. Once they realized they were not going to win it in that way, that was another situation, but I think there were things going on there that do not belong in labour relations today in Ontario.

1120

**Mr. Pathe:** But what is the remedy? We have an act that is considered to be as good as any in the country. We have a labour relations board

that since the 1975 amendments has very, very broad remedial powers to deal with unfair-labour-practice complaints and failure-to-bargain complaints. If from time to time a party to a set of negotiations embarks on a course of action which is not the most civilized or reasonable, is probably most unreasonable, what is the remedy except through something like pursuing the complaint under the Labour Relations Act?

I understand what you are saying. I do not like Dow Chemical situations any more than you do or any more than the union did in that situation, because I think those kinds of situations sort of spill over and serve to destabilize the whole system. I am not defending it.

**Mr. Mackenzie:** I guess it is just my concern over what is going to happen with additional pressures that I can see coming from—

**Mr. Pathe:** Yes, but I do not know what the remedy is. One of the reasons I think we have a very mature system of collective bargaining in Ontario is because the parties have been left to fashion their own strategies and their own approaches to bargaining and their own solutions. There are some examples one can point to where government has been a lot more heavily involved and it has not served to stabilize; rather, it has gone the other way. Governments have done things that have made neither side very happy.

I know what you are saying. I might say to you that over the years there have been policies developed at the ministry and enacted to take some of the irritants out of the system. An example is the expedited arbitration provisions that were brought forward in September 1979. Prior to 1980 we had, for many years leading up to that year, the very destabilizing and terribly difficult situations of first-agreement strikes due to union security and checkoff. Then in 1980 the government enacted the automatic checkoff, which took another irritant out of the system.

As far as the senior staff at the ministry are concerned, we have always been prepared to work to find ways to take out irritants, but when you have something we all treasure, free collective bargaining, it really does mean that side or the other is free to take an unreasonable and sometimes outrageous position. Sometimes we are able to influence that; that is what mediation is all about.

Mediation, in its best sense, can challenge a position of one side or the other privately and seek to expose the unreasonableness of it in the hope you can get that side to move and change it.



But at the end of the day, if it is free collective bargaining, both trade unions and employers from time to time will take positions that you and I would agree are unreasonable, sometimes outrageous and really not positions conducive to good, mature collective bargaining. But I do not know what the answer is to that.

In 1976, as you know, we did a bit of a study and looked at a number of the disputes that leading up to that date had been the most acrimonious and most difficult to settle. We found that a number of them were caused more by the deterioration in the relationship in the workplace than they were by the actual issues in dispute. Since the late 1970s, we have been doing a fair amount of what we call preventive mediation where we lend assistance.

The vast majority of our 30 mediators are trained to assist labour and management during the collective agreement in resolving workplace relationship problems, analysing them and developing plans to turn them around. We promote and chair industry-wide committees that for the first time in Ontario brought chief executive officers of corporations and heads of unions together in a relatively nonadversarial sort of situation.

I think a fair amount has been done. I am sure more can be done, but I am not naïve enough to think that free trade or no free trade, whatever the circumstances, we will not have some relationships in the province that will deteriorate and where severe misjudgements will be made. I think that was a big factor in the Dow case. Both sides misjudged their strength and underestimated the determination of the other. I think those things are going to happen.

The more relevant question, it seems to me, is are we going to have a massive breakdown in collective bargaining? Are we going to have an increasing incidence of contract rejection? You will recall in the mid-1970s, prior to controls, that was a real problem. Bargaining committees were meeting with their employers, negotiating settlements they thought were fair and reasonable, recommending them and they were being rejected. I think a dramatic increase in that kind of thing would be a problem, it seems to me; that would be a sign, but there are not any signs at this point in time.

In 1989, we are going to have a lot more pressure on wage bargaining. I think there is a mood out there that says corporations have been doing fairly well and that executive incomes have been going up by considerably more than the rate of inflation. I think that is going to put a lot of

pressure on bargaining. People are going to want to make wage gains over and above the rate of inflation.

I think there are a fair number of corporations that are prepared for that and are prepared to pay for it. I think we are going to see situations where corporations—those affected by free trade in particular—will be going to the bargaining table and will be looking for flexibility like multiskilling, more flexibility to move people from job to job in the plant and they will have some money to buy it with. Hopefully, they will be prepared to do the things that will make it doable.

It is easy to be pessimistic, but it is not there yet. In my opinion there are not any clear signs that is where we are headed.

**Mr. Callahan:** You talked about the atmosphere in which bargaining takes place. I know we got into first-contract legislation in the last session. I would like to know whether that has actually accomplished what we wanted to accomplish with it, or has there been some record of difficulties thereafter as a result of the first-contract legislation?

**Mr. Pathe:** I do not have the case numbers here. They may be in some of the briefing material.

Let me respond to what I think has happened under first-contract arbitration. I think it has served the desired purpose in this sense: The mere existence of the legislation enables those advising the bargaining parties in a first-agreement situation, particularly the management side, that you ought to work out your differences and negotiate your own first agreement, because if you do not, there is the real prospect of the Ontario Labour Relations Board imposing it. The risk is that you get something in an imposed settlement that neither side wants. I know that mediators working in the office of mediation use the argument almost daily, I think with good results.

I think it has been a success. I think its very existence is an encouragement for parties in a first-agreement situation to get on with it. It is important they negotiate it. Those of us advising the government at the time the bill was passed were concerned that if it were not structured right, there would be an overreliance on arbitration. It is very easy—we see it under other statutes—for the two parties to throw up their hands when arbitration is the sanction and say, "Let the arbitrator do it." We argued that in a first-agreement situation not only are they negotiating their first agreement, but they are also building the foundation, hopefully, for

something that will be a very useful, productive collective bargaining relationship.

I think by and large it has worked. There are some statistics and case load numbers on how many have gone to the Ontario Labour Relations Board, how many have been moved on to first-agreement arbitration, how many have been dismissed. A lot get settled. I think for the vast majority, the union applies for first-contract arbitration, then there are some discussions either back at mediation or with the labour relations officer from the labour board, there is a settlement and consequently a withdrawal of the application.

1130

**Mr. Mackenzie:** It would be useful to get those figures if we can. I am inclined to agree with Mr. Pathe on that. Some of the arguments we made during the discussions were that it was likely to be more useful as a threat than in the actual usage of it.

**Hon. Mr. Sorbara:** My intervention was just to say that we will get those figures and put them on the record. I think it is important that those figures be on the record. The legislation is new to Ontario. I think it has been in force now for close to two years, and the experience has been genuinely good.

How does a politician know that without the figures? Because the politician is not under harassment from the parties and from the public to change the legislation. In these matters it really is true that no news is good news. One sees the process unfolding with the assistance of mediators, within the office of mediation and arbitration. Before these estimates are over, perhaps even this afternoon, I will provide those figures and get them on the record. I think it is important that the province knows about that.

**Mr. Mackenzie:** I wonder if we could have Mr. Pathe or the minister direct whoever is responsible to give us any kind of update they can before we finish the estimates on both the Ronal and the Echlin case, or any comments the ministry has on them.

**Mr. Sola:** We have touched on mediation. I would like to have an explanation of the difference between mediation and conciliation. The terms are so close. I understand one is compulsory and the other is not. Can you give us the fine line between them?

**Mr. Pathe:** In Ontario we have what is known in the trade as compulsory conciliation, which means that the union cannot strike and the employer cannot lock out until one or the other,

or both, have applied for conciliation and a conciliation officer has met with them and endeavoured to assist them to get a collective agreement. That is what is known commonly as conciliation. When they have completed that, they are under no further obligation to engage in any third-party activities. We do, though, have in Ontario a long tradition of what has become known as mediation in the period after that happens.

What typically happens is this. The parties are in bargaining, they reach a deadlock, and one or the other applies to the minister for the appointment of a conciliation officer. Typically, within a month, the conciliation officer will meet with them. In the last numbers I saw, 32 per cent of the cases will settle at that stage. In the remainder, the officer reports to the minister and the minister issues what is called a no-board report, which is a letter saying that after careful consideration the minister has decided not to appoint a board of conciliation.

Sixteen days from the date of that letter, the parties can legally strike or lock out. During that 16-day period we monitor what we call key disputes. They are either key because they are public, there is a public interest component, or they are large or they are the only industry in a small town or they have a history of strikes or lockouts. In those disputes where there are no meetings and what we hear is not terribly encouraging, we appoint a mediator to meet with the parties.

In those cases, the settlement rate is somewhere between 80 and 90 per cent. That is mediation with the clock ticking. The parties know that in so many hours or so many days either can take action; it is a much more intensive process.

Qualitatively, a conciliation officer does not do anything terribly different from a mediator. The value of conciliation, in my opinion, is that despite the fact that only around 30 per cent settle at that stage, in a fair number of cases while there will not be a settlement there will be a lot fewer issues in dispute when they leave the conciliation meeting than they went in. As the countdown begins, the parties have a better idea where the other side is; because of the conciliation processor's work there has been some good communication. The issues are narrowed, they are more manageable in a finite time situation. That is the way it works. In about five per cent of all cases they do not settle and become strikes or lockouts. I think that is an important statistic: only about five per cent.



**Hon. Mr. Sorbara:** I am not supposed to be asking questions at these estimates, but I would like the assistant deputy minister just to explain the process of preventive mediation within this conflict. I think it is important to know, because it is important for this committee to understand how the ministry works in that context.

**Mr. Pathe:** The preventive mediation program, as I said earlier, was designed to enable us to do a little more than firefighting. Firefighting in the trade is known as running in when the clock is ticking and the fire is either burning or about to burn and you try to assist the parties to find their way to a settlement. If that is all you do you very often arrive too late. In fact you invariably arrive too late, and it is too late for them as well to do anything about a poor relationship.

Typically, how it works is this. Where a mediator observes during a set of negotiations that there is a poor relationship or where the parties come and see us sometimes—there are fair amounts of spontaneous requests for preventive mediation—typically a couple of months after the contract is signed one of the people will check back with the parties and say: “For what it is worth, these were our observations. Can we be of some assistance?” If there is a willingness—it is a bit like marriage counselling: unless both sides really wish to repair a poor relationship we are very much in limbo, we do not proceed with it—we will meet separately with the two sides in what we call exploratory meetings and make an assessment as to what kind of process or program would be most useful.

There are three main components to preventive mediation. The simplest, and the one that fits most situations, is assisting labour and management to set up an in-plant committee or a series of committees to improve the day-to-day problem-solving and communication in the plant. There are a number of bad relationships where that simply is not enough, where the relationship is so bad and so ingrained that simply getting people together across a table is not going to get you anywhere.

In those cases where there is a desire to do it we use something called the relationships-by-objectives program, which typically gets the steward body from the union side, and almost an equal number of management people if possible, together for an in-depth, three-day seminar approach to the difficulties in that relationship.

That session begins—just to give you a flavour of it—by having all of the union people in one room and the management people in the other. In each room mediators will be working with the

groups. The question they will ask them to start off with is, in the union room, “What should management do to improve the relationship?” The list will be a mile long. When that is over and it is all down, they will say, “Now what can you do? What ought you to be doing to improve the relationship?”

At the end of that process you have four lists, and you pull them together and begin to work them into objectives. The next two or three days are spent in dialogue, in committees, categorizing the issues. If it is a success—and not all of them are, but the majority are—they leave at the end of the three days with a document which identifies the issues and the objectives, has action steps for how they are to be carried out; the second column has the action steps to change the practice on those issues; the third column will be the persons responsible; and the fourth column will be the time frame. Mediators check back periodically to see that it is being lived up to.

1140

The third component is that we offer joint foreman-steward training; foremen, union stewards and union officers together in the same classroom on the fundamentals of contract to administration. This is the only sort of training opportunity there is where both labour and management work and learn together.

**Mr. Sola:** I would like to have one other brief question. You touched on arbitration in your earlier answer. I am wondering what is the role of your ministry in arbitration. Do you get involved, to what extent and in what capacity?

**Mr. Pathe:** The minister has statutory responsibilities to appoint arbitrators in grievance arbitration. In cases where there is a grievance during the term of a collective agreement and the parties cannot agree on an arbitrator—they are required by the act to go to arbitration mid-contract during the term of a collective agreement—the minister is required to appoint an arbitrator on their behalf.

Under section 45 of the Labour Relations Act, which is known in the trade as expedited arbitration, where there is no opportunity for the parties to agree the minister appoints, because under that section the arbitrator must commence to hear the matter within 21 days. The minister appoints arbitrators in those two cases. The minister appoints arbitrators under the Hospital Labour Disputes Arbitration Act, again where labour and management cannot agree. In most cases, they have an opportunity to select their arbitrator and in those cases where they cannot the minister appoints.



**Hon. Mr. Sorbara:** If I might interject for a moment, Mr. Mackenzie raised the question of Echlin and further information on the situation at Echlin. I simply propose to the committee that we reserve the last seven minutes before the noon hour so that I can invite Romain Verheyen, who is the director of the office of mediation within the ministry, to provide further details on that and perhaps answer questions.

I do not know if any other committee members have questions now of Mr. Pathe, but I would like to reserve that time.

**Mr. Mackenzie:** I am wondering if I could ask two quick ones. I would love to have an update on what you can tell us about the Canadian Medical Laboratories situation, which has been an ongoing nasty one as well, before we leave here.

I have not heard anything for some time, so I am presuming it has either died down or is not currently a major issue—these things have a habit of erupting awfully quickly—but the issue of the costs of arbitration split between the parties would seem to have been escalating again a year or so ago when we were discussing it. As I say very frankly, it has not been raised for the last period of time. Is it an ongoing issue?

**Mr. Pathe:** We do not get frequent complaints about the cost. We do, from time to time, get complaints about individual accounts. We get complaints about costs from time to time but they are not frequent. As you probably know, the minister has a newly appointed advisory committee on arbitration made up of three senior labour and three senior management representatives. They are currently discussing costs. It is not likely there will be a consensus on that issue; the predecessor committee did not get one.

In cases where we get a complaint about an account—from time to time we get a complaint where an arbitrator heard two grievances in the morning, wrote a 10-page award dealing with both of them and charged \$2,000 or \$3,000. We have now a mechanism whereby we refer those disputed accounts to the Ontario Arbitrators Association and it sets up its own mechanism to try to mediate the dispute over the amount. If not, they rule on it. That appears to have settled some accounts, but the cost of arbitration is still very high. I am told that it is not as high as it is in some provinces to the west of Ontario, but it is relatively high. That is a fact of life, I guess. We have done a fair amount to bring more arbitrators into the system, on the theory that if there were more arbitrators taking the arbitration caseload it might modify the costs.

**Mr. Mackenzie:** Is it still the position of the ministry, which I know has been one of the arguments in the past, that by setting fees we would lose some of the better arbitrators?

**Mr. Pathe:** I think we would lose some, but we have had a fair number of new people come into the system. I do not think that is quite as acute as it was 10 years ago, when prior to the introduction of the expedited arbitration provisions we had—I am trying to remember the numbers, but it was something like six or eight arbitrators doing 60 or 70 per cent of all of the grievance arbitration in the province. I think it is spread more evenly now, but I suppose there are still 10 or a dozen or 15 arbitrators, something like that, who are very busy but who are in such demand that parties will wait for them. Despite the fact that we have a mechanism in the act now where they can get arbitration to begin within 21 days, arbitrators are still booking dates into late 1989, and parties will wait. It is not limited to any particular union or unions. It is the whole spectrum, and it seems they will pay whatever they charge.

**Mr. Mackenzie:** Yes, that was the last question. Where are we in terms of the number of cases that are on hold or delayed?

**Mr. Pathe:** We are handling now just over 3,000 cases a year, 3,200 maybe, under expedited arbitration, section 45 of the act. Of those cases, about half go to grievance mediation. About 1,500 go to grievance mediation and of those somewhere between 65 and 80 per cent, depending on when you look at the numbers, are settled. That takes a lot out of the actual list of cases that have to be adjudicated.

I do not believe we have numbers on the cases that are in the private arbitration field where the parties select their arbitrator under the collective agreement.

**Mr. Mackenzie:** There are really more than I would want.

**Mr. Pathe:** Yes. I think the answer is there are big backlogs, or not so much backlogs but long time delays from when they select their arbitrator until they get the award. But there is now a mechanism, and there has been for 10 years, and 3,000 cases a year come in under that.

But it is interesting that the acceptability of the arbitrator is still the predominant theme in grievance arbitration. There is still a vast number of cases where, despite delays, labour and management will agree to a certain arbitrator and wait until he or she is available, even if it is up to

a year. I do not fully understand that, but that is a piece of the landscape.

**Hon. Mr. Sorbara:** I know this is estimates and I do not think we necessarily have to talk about dollars and cents during estimates, but when you look at the process of dispute-resolution mechanisms within Ontario, what you are really talking about in terms of estimates is the figure that appears under vote 2202 of these estimates. The bottom line for 1988-89 is \$12.15 million. It is a little bit less than that actually, a few thousand dollars less.

The assistant deputy minister for industrial relations is not going to argue publicly that it is enough, but I think it is interesting to reflect in these estimates that, for that sum some of the most effective and expeditious dispute-resolution mechanisms are made available and a labour relations climate is provided allowing the workplace parties, in a mature way, to exercise their rights, discharge their responsibilities and solve their problems.

I see now it is getting close to seven minutes before the hour, so perhaps I could ask Romain Verheyen, who looks after the office of mediation, to make himself available to the committee and say a few words about the situation at Echlin Canada Inc.

**1150**

**Mr. Verheyen:** In the Echlin situation, we had a mediator actively involved in the mediation process on January 9 when he was advised by the local negotiators on behalf of Echlin, the management side, that they in turn had been advised by their United States management that the operations, the manufacturing side of Echlin, was to stop within the three- to six-month period. The union was advised at that particular time, in the middle of the mediation process, and the parties, in addition to trying to effect a collective agreement or a memorandum of settlement, turned their attention to a severance package which would affect the employees.

It is my understanding that out of the 180 employees, roughly 120 would be affected by the phasing out of the manufacturing side of the plant. The warehouse and service operation is to remain as it stands at the present time. Some of the background given by the employer is that there is a soft market in regard to air brakes. Echlin manufactures auto parts for the auto industry. There is overproduction and there is a soft market. The union alleges that this is as a direct result of free trade. Of course, the parties totally disagree on that particular issue.

One thing that should be noted in the free trade agreement context is that parts for new vehicles have flowed between Canada and the United States for the last 24 years. Under the FTA, the current duty of 9.2 per cent on replacement or repair parts will be phased out over a five-year period.

One other point that I should point out is that in addition to the severance package, it is my understanding that the employer is to provide counselling and an adjustment program, which will likely be put in place by the employer and accepted by the union. One further understanding is that the severance package will exceed the minimum requirements under the law. It is also my understanding that the five-year period to qualify will be waived by the employer.

**Mr. Mackenzie:** The improvement in the severance package, as I understand it—tell me if I am wrong—is as a result of the negotiations between the union and the company after they were informed so suddenly of the decision to close the manufacturing side.

**Mr. Verheyen:** That is my understanding also.

**Mr. Mackenzie:** My understanding also is that during the course of the negotiations, while they may have been fairly tough there was no indication from the company that it was in any financial trouble, and there is none now.

**Mr. Verheyen:** There was no indication, according to me, that was brought up at the table, no.

**Mr. Mackenzie:** So what we had was a very sudden decision just when they thought they were about ready to ratify a contract that, "No longer are we going to manufacture in Canada," as a result of a decision from head office.

**Mr. Verheyen:** That is correct, yes.

**Mr. Mackenzie:** Regardless of whether the parties will agree or disagree, it does raise serious questions as to whether this is not yet another example of what we are going to see in situations like this. I do not think any of us would be unhappy with 60 people working in a warehouse operation, but if that means that we are going to see the loss of the manufacturing operations in any number of plants, we are not going to be any further ahead in this province with a bunch of warehouses. I have some serious concerns over what has happened in this Echlin case and I know the union does as well.

**Hon. Mr. Sorbara:** I am wondering if any other members of the committee have any questions of Mr. Verheyen.



**Mr. Chairman:** There do not appear to be other questions.

**Mr. Mackenzie:** I raise the—and I do not mean you should give the answers now—the Ronal Canada and the Canadian Medical Laboratories as an afterthought. I would be interested in any comments the ministry might have on the current Thomson strike in Timmins as well, the newspaper strike up there. I have had a couple of calls and I do not have the details on it as yet.

**Hon. Mr. Sorbara:** Perhaps while the assistant deputy minister is preparing a remark or two on that, I will say a few words about the Canadian Medical Laboratories situation. I have met with the parties. The fact is that some of the members of the union came down to Queen's Park and I had an opportunity to hear their concerns, because of a chance encounter outside the east lobby.

It is important to note what I said to them, that it is the responsibility of the Minister of Labour to provide as effective a mediation service as is possible; in short, I cannot resolve their dispute, although I really have true sympathy for the plight they find themselves in. Perhaps I could ask Romain Verheyen to expand on the situation there, give us a current update on it, and if he has time say whatever is appropriate to say on the Thomson situation in Timmins.

**Mr. Chairman:** Before you begin, Mr. Verheyen, if the bells begin to ring it means there has been a vote called in the House and we are going to have to adjourn immediately and go down there, so do not think I am impolite. Otherwise, we should be trying to finish up at noon.

**Mr. Mackenzie:** We are going to have to from my point of view, because I have somebody coming in for a fairly important meeting.

**Mr. Verheyen:** I will be only a few moments in regard to the medical labs. Mr. Stevenson reconvened the parties last Monday, at which point a total offer was presented by the employer. The union took a look at it and looked upon it as a retrogressive step as far as the return-to-work agreement was concerned. They regarded it as notice that none of the part-timers would be able to come back to work, and they were not even sure who of the full-time employees would be able to return to work. They have requested some

time off and they will be back in touch with Mr. Stevenson after going to their lawyer for some consultation. That is the only thing I can tell you at this particular point.

**Mr. Mackenzie:** If I have any comment on this at all it is that it has been a long, nasty one and there is a real element of unfairness, as I think the minister has indicated he may have recognized. I am also very much afraid that what you have is another classic, maybe not a similar situation to Dow but somebody who had to be forced in court to pay a previous award and who just does not want to deal with the union. I do not know how we deal with these specific tough cases, but some of them should not be allowed to go on as long as they do.

**Mr. Pathe:** May I get back to you on the latest on the Daily Press, the Thomson strike?

**Mr. Mackenzie:** And the Ronal, if you can.

**Mr. Pathe:** Yes, on both of them.

**Mr. Chairman:** If we are finished and the committee is agreeable, I propose to adjourn the committee on vote 2201 of the estimates of the Ministry of Labour, reminding everyone that we will be beginning again this afternoon after routine proceedings at approximately 3:30. If routine proceedings go beyond that time, I would appreciate the fact that we gather within 10 minutes of whenever routine proceedings do end.

**Mr. Mackenzie:** I have no difficulty at any time from now on, or maybe first thing this afternoon if you want to vote the 2102 vote.

I would like to make one other comment. I have been critical, from time to time, of some of the ministry people, but I think it only fair to say on the few occasions when I have had to call Mr. Pathe in difficult situations, I have had nothing but the best of co-operation from him in trying to resolve situations. I would like that on the record.

**Mr. Chairman:** The chair's preference would be to leave the debate centred on vote 2201. If we choose to discuss, on a time basis, another vote, we will determine the time and we can or cannot, as we determine, vote on that one at the end of the discussion. We will adjourn until after routine proceedings this afternoon.

The committee recessed at 12 noon.



## AFTERNOON SITTING

The committee resumed at 4:39 p.m. in room 228.

ESTIMATES, MINISTRY OF LABOUR  
(continued)

**Mr. Chairman:** I see a quorum. We will continue on vote 2201 in the estimates of the Ministry of Labour. By agreement, we have set aside the time we have today to talk about workers' compensation considerations. So that committee members present will be informed of what we will be doing, we are going to listen to the presentation of the official opposition. We anticipate this will take us until about 20 or 25 after five. It is the wish of the chair to adjourn for today at that point, with the response from the minister starting next Thursday at 10 o'clock.

**Miss Martel:** I am pleased to participate this afternoon, even though the afternoon has been a little wild. Let me say that I am actually not going to say very much on Bill 162 at this point in time, basically because I think most people on the committee, and certainly the minister, know my feelings towards that and I do not want to spend a lot of time on it here. That will come up again during the course of our hearings and debate on it. I may comment on it at the end if I have time.

What I would like to do instead is concentrate on some policy issues that are occurring and have been occurring at the Workers' Compensation Board for some time now. I noticed in the comments the minister made in terms of the Workers' Compensation Board that he was going to refrain from making statements on policy and would do that at the time the board was before us for its annual report.

I went back to the report from May 1988 and the comments the minister made on the Worker's Compensation Board then. I found there was very little detail concerning some of the crucial issues I think are happening at the board now. There was, in particular, really no mention of some of the policies I think are reducing workers' rights and benefits right now. So I was a little bit disappointed and thought that as a consequence, even though the minister was not going to talk about policy issues, I certainly should get some comments on the record now.

I want to focus on four policy areas that I find are most onerous to me. We are dealing with three of the four of them now in my riding office, so I have a fair bit of knowledge of them. My concern, and I would like to put it on the record

now and will probably end my comments along the same note, is that what I see happening is that the board, using its arbitrary power, has really gone far beyond what we in the Legislature gave it in terms of the Workers' Compensation Act, and has really undermined what I think is the spirit of the legislation and certainly the intent of those in the Legislature when they passed that bill and amendments to it.

What I have seen happening is the board reviewing policy, and as a consequence of that review some policy becoming extremely restrictive, extremely limited, as we have never seen before. The consequences I have seen, at least in my office in three of the four areas, have been a reduction in benefits, certainly a reduction in rights and a great deal more difficulty for representatives to even try to appeal because the board has put it into policy. We have not had much, if any, response from the minister as a consequence.

I want to begin, first, by going in chronological order, looking at pension supplements, which was the change in November 1987 to subsection 45(5) of the Workers' Compensation Act. I just want to refer to statements that the chairman of the board, Dr. Elgie, made when he was here on May 28, 1988, concerning how it came about that the changes in subsection 45(5) occurred.

He said, and I am quoting from his statement, "The concerns, and the perceived need to inject a greater degree of consistency into the granting of supplements to assist during a period of rehabilitation, justified the need for a review. In the course of that review, it became clear that over the years the interpretation of subsection 45(5) which had gradually emerged was not consistent with the wording of the legislation itself. The amended policy brings the board's interpretation and administration of the section in line with the intent of the act by ensuring that supplements are awarded to those who pass the threshold test, on a temporary basis in support of medical and vocational rehabilitation programs."

That was his comment on why the change had come about in subsection 45(5). He also went on to say that the change had been misunderstood. What he did not say and what I would like to point out now is that I think much of that change was motivated by a study that was done by Peat Marwick concerning costs at the compensation board, and in particular costs on supplements and vocational rehabilitation benefits.

I am quoting from the summary report by Peat Marwick, which was presented in September 1987. They said, "On balance, the most worrisome aspect appears to be the trend in category 3 benefits," supplements and vocational rehabilitation benefits. "These benefits have represented a relatively small share of total benefit costs and have not been responsible for the major growth in costs over the 1975-86 period. However, they show significant growth both in propensity to award these benefits and in the cost per compensated claim."

It was unfortunate Dr. Elgie did not refer to that study, because I think that, more than anything else, was probably the main motivating factor behind the change in supplements.

I want to look at the change. The act, as it appears under subsection 45(5), says "...where the impairment of earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the board may supplement the amount awarded for permanent partial disability for such period as the the board may fix...."

That was the legislation as passed by this Legislature. What the practice had been, of course, before the change in November 1987 was that impairment of earning capacity meant any actual loss in earning capacity. Any difference between what the worker had earned before and what he was now unable to earn because he could not return to that job was taken into account. Also, if the worker did return and went back to work but there was a loss in income, that complete loss in income was taken into account when determining the supplement. The supplement period for those two items usually went on for about up to three years maximum.

What the board did in the November policy was to jump on a couple of words in that section and start the process of restricting benefits. They took a look at impairment of earning capacity, and instead of the actual amounts the worker lost that became the difference between the earnings the worker had before the accident and what the Workers' Compensation Board estimated he could earn after the accident. The board took away from what had actually been the case to a case where it determined what the worker was capable of doing and based benefits on that situation.

We talked about this in the House during the debate on Bill 162. I called that "deeming," where the board determines a worker is capable of doing a particular job, a phantom job. He may have never had it before and never been trained to

do it, yet the board determines the worker is capable of doing it. The board bases the worker's earnings on the wages associated with that job and determines whether the supplement is indeed in order.

Second, the board then took a swing at the words "significantly greater." Not only were we now looking at an estimated wage loss not the actual wage loss, but the board was also suggesting that the estimated loss had to be substantial. You could not just be losing a few dollars; you had to be losing a lot in your estimated earning capacity before the board would provide you with a supplement.

**Hon. Mr. Sorbara:** Mr. Chairman, I wonder if I can interrupt the member for Sudbury East on what in a committee like this might perhaps be a point of order.

**Miss Martel:** Sure.

**Hon. Mr. Sorbara:** I am not going to say anything about the fact that on reading subsection 45(5) she did not read the entire section into the record. My point is rather broader than that. In her opening remarks, she did note that some of these arguments had been made and that some of these matters had been discussed with the chairman of the Workers' Compensation Board, Dr. Bob Elgie. I guess it was last May that a committee of this House was considering the Workers' Compensation Board, as it does on an annual basis.

My point is more directed to our responsibilities in these estimates. We are considering some seven votes here. One of them is vote 2206 which deals with workers' compensation advisory programs, and there are a number of subvotes listed under that.

I would have understood had the member wanted to speak to concerns surrounding Bill 162, because we all know there is a bill now standing in my name in Orders and Notices. It has been the subject of second reading and it will shortly be before a committee. If we look at vote 2201, the ministry's administration or the vote that deals with policies and programs, her remarks would be consistent with what I understand these estimates to be doing.

I am just wondering, though, whether it is not inconsistent and unfair to members of the committee for the member to be restricting her remarks to matters that ought more appropriately to be the subject of discussions at another time in another context. I appreciate that sometimes the discussions in estimates are wide-ranging, broad and comprehensive, but if we are going to really discharge our responsibilities and undertake



discussions that are relevant to the estimates of the Ministry of Labour, I have some degree of difficulty understanding a discussion on policies and interpretations of law that are clearly within the responsibility of the Workers' Compensation Board and clearly, by statute and historically, not within the competence of the ministry or the Minister of Labour.

**1650**

I am wondering whether the member for Sudbury East, in her remarks, is perhaps going to be venturing more directly towards matters of policy and programs within the ministry, whether under vote 2205, or vote 2201 for that matter, or whether most of her remarks are going to be concerns she has with the operation of the Workers' Compensation Board.

We often repeat ourselves in committees. Now and again, we have discussions that go on and on to try to make the point in whatever venue is appropriate. But if her remarks are going to be remarks that more appropriately involve the Workers' Compensation Board, this is something that creates a little bit of a dilemma for the Ministry of Labour, inasmuch as there are no representatives, if I look around the room, from the Workers' Compensation Board. I certainly am not prepared to respond on the administration of the board. I am not charged with doing that. Others are charged with doing that.

I have some concern. If it is not a concern of other members of the committee, or if you as chair decide we should have a wide-ranging discussion of policy matters and administrative matters of the Workers' Compensation Board, well so be it, but it puts us in somewhat of a dilemma within the ministry.

I just want to make the point that I am not prepared to defend decisions that are within the competence of the Workers' Compensation Board at this time in this context.

**Mr. Chairman:** As the chair of the committee I have found, in conjunction with the way the standing orders read, that the main idea of the estimates is that the opposition parties have a forum to talk about the estimates of the ministry under consideration.

I presume what is happening in this case is that certain things are being noted for the record, in the opinion of the critic in this case relative to the Workers' Compensation Board. Now whether the ministry wants to respond to those concerns or not I think is up to the ministry, but how the opposition members speaking choose to use their time is entirely up to them.

**Mr. Mackenzie:** I appreciate your comments. The minister is responsible for workers' compensation in Ontario, as I understand it. We have not restricted any of the discussion we have had under the estimates up until now, nor do I think we should. I would hope the minister would respond to matters whether they are a principle or not, but that is his prerogative.

Certainly, the concerns that are being raised are ones we want to put on the record and I think we would have structured this debate on the estimates much differently if we were going to be able to be wide-ranging on the first sections and then be very restricted when it comes to the board.

I hope your ruling is as you have indicated, that we can put on record what our concerns are because they are more than just Bill 162 or issues like that.

**Mr. Chairman:** Unless the committee overrules me, I made it very clear at the beginning of these estimates that my preference as chair would be to discuss things under vote 2201 with exactly that point of view in mind, that they can be wide-ranging, and as long as they are pertinent to Ministry of Labour considerations they are in order.

**Mr. Mackenzie:** I just thought you might want to get that vote out of the way, but we have no objection to doing it under vote 2201. It is the same difference, really.

**Hon. Mr. Sorbara:** Obviously, Mr. Chairman, I accept your ruling. I just want to note for the record that in many of these matters, if the member for Sudbury East is going to be pursuing arguments and submissions in the manner in which it appears she is going to do, other members of the committee, certainly members who are sitting through Ministry of Labour estimates for the first time, might expect that these are things that are clearly within the jurisdiction and the responsibility, administratively, of the Ministry of Labour. I simply want to put other members of the committee on notice that there is a statutory obligation on the Workers' Compensation Board to discharge its statutory responsibilities and this province, in its wisdom, has separated those statutory responsibilities from those of the Minister of Labour and the Ministry of Labour. As a result of that, the government has historically had a session of committee hearings in which these sorts of matters are appropriately addressed and responded to.

That being said and that being made clear, I look forward to hearing further remarks from Miss Martel.



**Mr. Chairman:** Any further comment by any other committee member? Would you continue then, please, Miss Martel?

**Miss Martel:** Maybe I should make my reasoning on raising these a little more clear. I assumed that I did that when I began. It has been my reading of the situation since I have come to this place that whatever Minister of Labour is in office the Workers' Compensation Act does come under his purview and therefore he is responsible for responding to what happens under that act in this House.

The reason I am raising these concerns is that it appears to me some significant changes have occurred under this act in the last number of months about which we have had little or no response.

The minister will have time to respond to what I say next Thursday because we are not going to finish here, and I certainly look forward to those responses then.

In continuing in terms of the supplements policy, what we have seen is a significant cutback. I think I want to bring to the committee's attention two cases that we have where I felt the board has been completely out of line in its interpretation of legislation passed by this House and where there has not been any of what I feel is adequate response to what has gone on.

This is a worker we had in my office who does have a pension. He applied to the board for a pension supplement because he could not return to his former employment. The board looked at his vocational ability. They looked at the jobs he had had before.

I should say that the worker here does not have more than a grade 8 education. French is his first language, not English. It is going to be extremely difficult for him to retrain.

The board determined, however, after looking at his vocational ability, that he was capable of working as a truck driver, a delivery person or a carpenter's helper or a vacuum cleaner installer. The weekly wage for these positions is \$240 a week. This has now been deemed to be his post-accident earning capacity.

They said to Mr. Moncion that his pre-accident earnings were \$279 weekly. The difference between \$279 and \$240, added to his pension: "Does not constitute an impairment of earning capacity which can be considered significantly greater than is usual for the nature and degree of your injury. Thus, your request for temporary supplement benefits is denied."

That is the first one. Let me show you how ridiculous this is with the second one.

This is an Italian woman. Her first language, of course, is Italian. She has a 20 per cent permanent disability. The woman also went through the same process; she was applying for a pension supplement because she could not return to her former employment.

The board told her it had consulted with her rehabilitation counsellor. "It has been determined that you are capable of working as a retail salesperson, cashier or retail seamstress." The board had determined from StatsCan that the average weekly wage for this is \$197. "Her escalated pre-accident earning capacity was \$212. However, the new earnings that she could earn as a retail person, plus her pension, brought her over the amount of money that she had earned before she was hurt.

I remind the committee that the woman's first language is Italian and she has a 20 per cent PD in her lower back. She has great difficulty standing for prolonged periods of time and she was told she could be a retail sales person. She was denied a supplement and has nothing from the board. Of course, she tried to apply for jobs as a retail person and was not hired anywhere, because of her compensable injury and because of the problem that her first language is not English.

#### 1700

I want to outline the consequences we have seen. We had a policy that was not restrictive, in any sense of the word, under the legislation. What has happened is that the board took that into its hands and in doing a policy review greatly restricted the legislation that is outlined in the Workers' Compensation Act to the point where deeming occurs and workers are being cut off benefits; not based on what they did before and the loss of earnings associated with that but based upon what the board thinks they are capable of doing and some sort of wage that is associated with that according to Statistics Canada.

We see the same type of principle in Bill 162. I have raised that point with the minister. The minister has said there will be protections against this type of practice. I do not see that anywhere in Bill 162, nor do I see what protections are presently in place to stop this from happening at the Workers' Compensation Board. I would like to raise that point, both in the context of what is happening now and what I see will continue to happen under Bill 162 if that legislation is passed and goes into legislated form.

The second policy I want to look at concerns commutations; that is the ability of injured workers to take their pension and commute it into a lump sum to be used for various purposes. The

board chairman did not have anything to say about this in his annual report when he appeared before the standing committee on resources development. If I can just go through what the act says, the act allows the Workers' Compensation Board to commute the weekly or other periodical payments payable to a worker or a dependent to a lump sum and may charge the same to the employer or to the accident fund as the case may be.

I point out to members of the committee that this gives the board a great deal of leeway. The act as it appears, and that section in particular, is not restrictive in any way. It allows the board a great many grounds in order to grant commutations, which I remind members workers are granted. They are payable on a lifetime basis. It is their money. They have already been awarded that money, and in particular cases they should be allowed to take that money, commute it and use it for various purposes. In January 1988 there was a change in this policy. The practice before January 1988 was that any worker who had a pension of less than 10 per cent could commute that and get it in a lump sum. That was common practice.

The second common practice was for injured workers to request a commutation of their pension so they could use it to reduce some of the debt they had incurred while being on compensation. Most of us recognize that if you are on compensation for an extended period of time in this province you are losing a significant amount of money. People have payments to make so injured workers, if they got a pension under 10 per cent, would use that to clear their financial debt and start again.

Third, it was used, in many cases, to start new businesses. Workers who could not return to their old employment would try to use that money to create a new business.

What we saw happening, unfortunately, was that the board introduced a new policy which specifically outlined that commutation would be permitted only if indeed the money was going to be used to reduce the effects of the compensable injury the worker had suffered or was going to reduce a financial debt that the worker had which also, by the way, had to be causing him a psychological problem.

What we see under the present situation is that, in terms of debt liquidation if a worker is trying to apply to the board to have a commutation to reduce his debt and get him started again he has to present medical evidence from a psychiatrist or a psychologist proving that this debt is causing him

such a problem that he either cannot hold the employment that he may have or cannot find a suitable job. It cannot be from only his family physician; it has to be from a psychiatrist or a psychologist.

Second, the board has determined that this money can no longer be used to start any new business. A worker cannot request a commutation if he wants to start a new business, become self-employed or emigrate. That is no longer permissible.

Third, the situation we also had was that many workers who had to change their employment and then had to start to drive to their new employment would request commutation in order to purchase a car.

What we have now is that the board has said that the only way you can purchase a car is if you already have a firm job offer in place, you have a letter from an employer who wants to hire you and that having the car will reduce the effects of the compensable injury.

I just want to read to the committee the board policy in this regard, to show you how ridiculous it really is. The board states in its policy paper of January 1988:

"Consideration will be given to a request to purchase a vehicle when it is determined that the use of the vehicle will reduce the effects of the disability.

"For example, two requests have been received from workers who want to have a commutation to purchase a car to drive to their place of work, each about 20 miles from home. The first worker has an amputated finger. Under the present board policy, his request would not be approved since a car has no impact on reducing the effects of the disability.

"The second worker's disability is a fused knee, which restricts his mobility by preventing his use of public transport. His request would be considered since the mobility provided by the car would reduce the effects of the disability and enable him to accept the job 20 miles from home."

I have to point out to the committee that it is a ridiculous proposition that the board has placed before us. In both cases we have a worker who could probably have employment were he able to purchase a car and indeed travel to that employment. The board then puts the added stipulation on that the only way you can have a car is if it is going to reduce what your compensable injury is, not caring that they might cost you the job you could have because they will not give you the commutation to do that.



The point of the commutations is that we had an act that was very broad, very open-ended. It allowed the board a great deal of leeway to allow workers to have the commutation to use for a number of purposes. That policy has become completely restrictive to the point where our own office will no longer even handle commutations because you have to take them all the way through to the Workers' Compensation Appeals Tribunal before you can win them.

I have to say that I am extremely disturbed by what has happened, especially in the light of the fact that the pension granted is granted for life. It has already been given to the worker. It is his money. The board certainly should not be as restrictive as it is in allowing the worker to do what he may with that money.

I want to bring one case before the committee, which we fought, which disturbed me greatly in the light of this new policy. The minister will be aware of this because the injured worker did write to him about this policy and about the Workers' Compensation Board. The gentleman's name is Constant Cardinal. He wrote to the board in 1987. He wanted a commutation of his pension so he could pay off the first mortgage on his home, his property taxes and to invest the balance in his wife's security. He was in very poor health, having had several heart attacks and had been given not long to live by his cardiologist. He submitted a report from the cardiologist confirming this information.

The board wrote back. They denied the commutation because they said there were no provisions under their present policy to consider a commutation for tax arrears or payment of medical expenses. They also said they had noted his various medical problems and it appeared to them he could not go back into the labour market. Therefore, any commutation of his pension would not prove to be a rehabilitative measure.

Subsequently, during the course of our writing to the board on this and to the chairman in particular, the gentleman did die. We got a response back from the board stating that they were sorry that had happened. We could certainly take the case to a hearing on behalf of the injured worker's wife, but the same policy of commutation under which he was denied would be put before us again at a hearing, in which case we knew we could not win that either.

So I really want to say that what was once a very good policy of benefit to injured workers, has become quite ridiculous. Again, we see no response by the minister in terms of what is

happening here and the reduction in rights and benefits this has meant for injured workers.

Third, I would like to take a quick look at the section 86n reviews and that policy. The policy was first tested under decision 72, which was a case concerning the definition of "accident." The Workers' Compensation Appeals Tribunal awarded in favour of the woman. The board reviewed the case, but instead of sending the case back to the WCAT for a reconsideration decided to grant benefits to the woman because it figured she had suffered enough.

#### 1710

What we saw, though, was a full-scale attack on the particular section in July 1988 when the board of directors decided to stay a number of awards that had been made at the WCAT for chronic pain. The lead case in that was certainly the Villanucci case, which had been fought by the United Steelworkers. There are over 20 cases now which have been stayed at the Workers' Compensation Board under section 86n of the act.

This brings into question the whole concept of which group will have final say. Will it be the Workers' Compensation Appeals Tribunal, which is an independent board and which should be out of the purview of the WCB and should not, if it is to remain independent, be subject to having its decisions reconsidered by the board of directors?

The members will know that we have in the Legislature called upon the minister to repeal that section under a bill that my leader put forward. The minister suggested that was an extremely complex issue and would be studied under the green paper at some point.

What we would like to suggest to the minister today, given that we are having public hearings on a number of issues surrounding the WCB under Bill 162, is that I know our party would certainly be in agreement with passing Bob Rae's bill in this regard and having the resources development committee mandated to look at that at the same time that we look at the amendments under Bill 162.

I put that proposal forward to the Minister of Labour because I think otherwise we are going to wait months and months before this question is even considered, given that the advisory body that is supposed to look at the green paper has not yet even been developed to determine the mandate. So I leave that with the minister and hope that he will respond to me in that regard next week.



**Hon. Mr. Sorbara:** The advisory committee has been developed.

**Miss Martel:** I am sorry. I was reading your opening statement to this committee and I was under the impression that it had not been. That is why I said that.

**Hon. Mr. Sorbara:** Not all members have been appointed.

**Mr. Mackenzie:** What was that again? I am sorry.

**Hon. Mr. Sorbara:** As I understand it, not all members have been appointed.

**Mr. Mackenzie:** You are in the process then.

**Miss Martel:** All right; will the minister take under consideration our request to have that particular item discussed during the course of the hearings as well?

**Hon. Mr. Sorbara:** If you are suggesting to me that I should agree that we will introduce and debate on second reading the bill sponsored by the Leader of the Opposition (Mr. B. Rae) I would not think so, not at this point.

We are in the process of moving into public hearings on Bill 162 in very short order. I think it would be capricious in the extreme to announce to the public that a green paper process is going to be put into place to consider a wide variety of items, including adjudication within the system and including in that regard Bill 162, and then summarily say: "Oh, well, there is no need for public discussion on that. We'll simply pass a bill without debate and get it into public hearings." I just think that would be capricious, as I said, in the extreme.

**Miss Martel:** No, I am not suggesting there would not be discussion on it. I can safely say that our party would certainly support that and would not look to prolong debate.

**Hon. Mr. Sorbara:** No doubt you would. You are on the record—as a matter of fact, the Leader of the Opposition is on the record as saying that he would want three readings quickly without any public hearings. So I guess the position has changed somewhat now. Nevertheless, I think it is unfair. When you have told the public that issues of adjudication—and this is one issue of adjudication, I say parenthetically—are going to be the subject of an exhaustive green paper review process you have a responsibility to do that.

I remind the member for Sudbury East that Bill 101 was a bill that I understand her party supported and voted in favour of. Now I have not reviewed all the debates on Bill 101. I have not seen the reflections your party had on section

86n. Maybe I should do that, but it is a bill that your party enthusiastically supported. It was part of a new adjudication structure captured within that bill.

We have now had a few years' experience with the new adjudication process under Bill 101. I think it is appropriate to examine it in the context that we said we wanted to examine it; but to say: "We have changed our minds on section on 86n; we made a mistake when we voted in favour of that bill and did not get it amended in committee," is simply responding to a very small minority of cases. Let's make that point perfectly clear, a very small minority of Workers' Compensation Appeals Tribunal cases have been the subject of review in the very way that Bill 101 contemplated.

The short answer is I do not think that it would be an exercise of responsible government to quickly, in the next three or four days, introduce and debate on second reading that sort of bill for the convenience that you suggest it would bring about.

**Miss Martel:** Let me just go back to the concept of Bill 101. We certainly did support it. I would find it very difficult to accept that our party would have supported that amendment. I do not have to remind anyone that we were in a majority situation at the time that bill was passed as well, so regardless of whatever we would have said on that score the bill certainly would have passed.

**Hon. Mr. Sorbara:** Bring forward the speeches. Put the speeches on the record where the New Democratic Party said, "Yes, Bill 101 is good, except section 86n is no good." That matter was thoroughly exhausted, and surely you would not want to start a precedent in this place where you have a little bit of discomfort with a judicial process that has been agreed upon in a parliament after substantial review. Surely you would not want to set a precedent where you just quickly introduce a bill and scrap that.

**Mr. Mackenzie:** I would want to read the debate again, Minister, before I would accept what you are saying.

**Hon. Mr. Sorbara:** I certainly intend to review it.

**Miss Martel:** That is fine.

**The Vice-Chairman:** Miss Martel, I think you indicated to the chairman that you wanted to be notified when it was approaching 5:20. You wanted to complete your remarks by 5:30 because you have a plane to catch.

**Miss Martel:** Yes. I will return to this topic of section 86n next week. I do want to get on record the last concern I have, and that is with the vocational rehabilitation strategy that is now being implemented by the Workers' Compensation Board. I am not going to go through the problems that everyone knows were identified by Majesky-Minna and the supposed response that the board made in April 1988 to those recommendations as put forward by that committee.

I want to say that most recently, actually as of January 1, 1989, a new strategy on rehabilitation went into effect across the province. We have already had a number of calls from injured workers who have been told by their rehab counsellors they are getting cut off their benefits and cut off their programs as a consequence of the new strategy.

I spoke with the vocational rehab administrator at the Sudbury office today to go through the whole policy, and I must say that he was also extremely unhappy about what was happening, the first reason being that the people there had not been told what was going to happen. They had never received any written confirmation and suddenly they were to implement a policy that came out on paper on December 27 beginning January 1.

What is happening, of course, is that previously rehabilitation benefits were paid under section 54 of the act. That section, if I can quote from the Workers' Compensation Act, was to be used, "To aid in getting injured employees back to work and to assist in lessening or removing any handicap resulting from their injuries," etc.

The board has now proposed that it will no longer pay rehabilitation benefits out of section 54, which I should point out provided rehab counsellors with a wide range of options to offer to injured workers. They will now be paid under section 40 of the act. Section 40 is a payment which is made for people who are totally disabled and then move to being partially disabled and ready for some kind of modified work.

The problem that we have already identified—we are only three weeks into the new policy—is that it now becomes the claims adjudicator and not the rehabilitation counsellor who will say yes or no to a program that the rehabilitation counsellor wants to give to an injured worker. We have been advised that in most cases the length of entitlement will be 18 months and that it

will not be any longer, because it is tied to the board's pension supplement policy as well.

The consequence that we are having at the Sudbury office right now—and I can see it is only going to get worse—is that we have people who are starting their first year in university who have now been told that the board will not pay for them to finish their fourth year; they will have to pay for that on their own.

We have a number of people who were told they had to go through upgrading first and then the board would enter them into a two-year or three-year college program. They have now been told that after they finish their upgrading, because the 18 months will be up they will now not be allowed to go to college, period. In fact, they will be cut off from rehabilitation benefits.

The administrator quite clearly said to me that the position the board is now in is that it will have to tailor the rehabilitation program to the amount of entitlement. It does not matter what the rehabilitation needs of the workers are or what the rehabilitation counsellor thinks the best program will be, that program has to be tailored within an 18-month period and no longer.

If that is going to be the commitment of the board to substantial new measures in rehabilitation coming out of the Majesky-Minna report, then we are in some very deep and serious trouble in regard to rehabilitation of injured workers in this province.

It is a little bit difficult to know the entire impact. I do know that at my own office we have had 10 calls now. My colleague the member for Sault Ste. Marie (Mr. Morin-Strom) has had over 12 from people who have been definitely told they finish this year of school and that is it. They are off rehabilitation and if they want to continue in school they pay for it themselves. I am extremely concerned about what I see happening after only three weeks and I am not sure where that is going to end.

I will finish my remarks there. I do want to say a little bit more about section 86n and I trust I can anticipate that the minister will reply to some of the concerns I have mentioned.

**The Vice-Chairman:** I believe it was agreed by the chairman that the committee would adjourn at 5:30 and reconvene Thursday, January 26, at 10 a.m.

The committee adjourned at 5:23 p.m.

## CONTENTS

**Thursday, January 19, 1989**

### **Estimates, Ministry of Labour**

<b>Recess</b> .....	G-420
<b>Adjournment</b> .....	G-428

## **STANDING COMMITTEE ON GENERAL GOVERNMENT**

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Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

### **Substitutions:**

Mackenzie, Bob (Hamilton East NDP) for Ms. Bryden

Martel, Shelley (Sudbury East NDP) for Mr. Charlton

**Clerk:** Carrozza, Franco

### **Witnesses:**

#### **From the Ministry of Labour:**

Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)

Pathe, L. Victor, Assistant Deputy Minister, Industrial Relations Division

Verheyen, Romain C., Director, Office of Mediation, Industrial Relations Division













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No. G-12

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Labour



**First Session, 34th Parliament**  
Thursday, January 26, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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## **CONTENTS**

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, January 26, 1989

The committee met at 3:31 p.m. in room 228.

### ESTIMATES, MINISTRY OF LABOUR

(continued)

**Mr. Chairman:** We are going to start our proceedings as we ended them, on vote 2201 of the estimates of the Ministry of Labour.

I believe the situation was that the member for Sudbury East (Miss Martel) had finished her presentation. The minister was going to respond to that as well as answer some questions the member for Simcoe East (Mr. McLean) of the third party had put the day before.

As chairman, before we get into the minister's response to these two arguments, I would like some direction before the end of this afternoon at least as to where we go timing-wise. I recognize the member for High Park-Swansea to discuss this at this moment, if he would like to say something.

**Mr. Fleet:** I did have a chance to speak with the member for Durham East (Mr. Cureatz). He has agreed that we ought to proceed in his absence. He was here just a few minutes ago. My understanding is, and I stand to be corrected, that the member for Hamilton East (Mr. Mackenzie) and the member for Sudbury East have some questions. We are quite amenable. We want to make sure that they have a chance to get those questions in and that the minister will get a chance to respond.

If we do not get to the end of our allotted time, we are certainly amenable to wrapping up at whatever point that turns out to be. But we want to make sure they get a chance to get everything in. I suspect they will be able to do that readily in less than the time limit. My understanding is that the member for Simcoe East does not have any more questions, although I have not spoken to him personally. But to the best of my knowledge, they do not have a problem with that kind of an approach.

**Mr. Chairman:** Thank you for that information.

**Hon. Mr. Sorbara:** Just to interject for a moment, as long as we are talking about timing, I want to apologize for not being present this morning, with the result that the committee was

not able to proceed with consideration of the estimates.

You had indulged me by agreeing to postpone the commencement of the hearings until 10:45 a.m. I had fully expected to be here by 10:45 a.m. Regrettably, the meeting I was at was delayed somewhat and I was not able to arrive until 11:15 a.m. At that point the committee had, I think wisely, adjourned. I do offer you my apologies.

**Mr. Chairman:** Would the official opposition like to comment at this point in time, or should we leave the rest of the discussion on timing until the end of the session?

**Mr. Mackenzie:** We will undoubtedly go through this afternoon. My guess is that we can probably hold the votes until maybe even the morning session next week.

**Mr. Chairman:** With that information, we will call on the minister to make his responses.

**Hon. Mr. Sorbara:** Do I take it that the member for Sudbury East has finished her comments?

**Miss Martel:** Yes.

**Hon. Mr. Sorbara:** Very briefly, I suppose it is appropriate to reiterate what I said at the beginning of the comments of the member for Sudbury East, that many, many of the matters she addressed related to the actual administration of the workers' compensation system. That is, by statute, not within my hands but within the hands of the chairman of the Workers' Compensation Board, the board, the president and obviously the administrative structure of the board.

I feel it is important to comment on consideration of section 86n, because I guess there is a bill on Orders and Notices. Given that, it becomes an issue that conceivably ought to be considered during these estimates. I understand where the Leader of the Opposition (Mr. B. Rae) is coming from on 86n. I understand the argument that Miss Martel makes on 86n. As opposition members, they do have the luxury of saying, "We need to immediately pass a bill that revokes the section," but I do not have that luxury.

I have already made a commitment in this province that a process would take place examining adjudication within the system and that the issue of the appropriateness of 86n would

be reviewed in that light. For me to change my mind and recommend to the House that it expeditiously pass the bill which would eliminate 86n from the act would be, I think, considered appropriately intolerable as a matter of public administration and politics in the province. Perhaps any other response to her comments can be left for a question and answer period.

Mr. McLean had some comments about the office of the worker adviser that I thought I might respond to. He is not here, so I will briefly put on the record that the real solution to the significant workload of this office is an improvement in the workers' compensation system. As it is now designed it gives rise to far too many disputes, and I hope we can move that agenda forward.

We do have an administrative responsibility to ensure that we are providing the appropriate administrative structure and are servicing that agency appropriately, so we are going to be taking some steps to examine that.

Very briefly on the question of hours of work and overtime—

**Mr. Mackenzie:** Before you leave the Workers' Compensation Board bill, can we ask you very frankly whether the exercise we are about to go through in the province, the hearings on this bill, is an exercise that contains the possibility of further amendments to the bill?

Recognizing that you brought a few in, we do not think they resolve the problems that not just myself and my colleague or our party see in this bill. But obviously a couple of meetings are going on this week with some of the legal clinics and some of the people in my town and they have a number of serious concerns. It is obvious that this applies with injured workers as well.

I am wondering if we are going through another Sunday shopping exercise in hearings around the province; if we are going through some hearings, with the people directly involved in what is an important bill to workers in Ontario, that are simply a public relations exercise. I am not asking the minister if he is going to accept all of our amendments. I am simply asking if there is a possibility of any amendments at all.

I do not want to sound totally cynical, but you will forgive me if I do not have a hell of a lot of confidence.

**Mr. Callahan:** O ye of little faith.

**Mr. Mackenzie:** I cannot be any fairer than that.

**Hon. Mr. Sorbara:** Is that what happens to parliamentarians as time marches on?

**Mr. Mackenzie:** The minister knows there are serious concerns.

**Hon. Mr. Sorbara:** It is a fair question and it deserves a fair answer. I do not think it is going to be a public relations exercise, although I think there are a number of people who will want to turn it into a public relations exercise. I think the fact that we announced, with a good deal of notice, that we were going to be bringing amendments shows the kind of approach that we are taking within the ministry and I am taking as a minister on this issue.

Generally, as I understand this place—I am in my fourth year of apprenticeship—often when the committee hearings begin on a bill of this magnitude the government makes, or the responsible minister, the minister who sponsors the bill, often makes a statement saying that the government will be bringing forward a number of amendments.

**1540**

I thought that in this case to do so would have been capricious, because we knew in the ongoing consultation exercise that a number of people were concerned about the appealability of certain sections of the bill to the Workers' Compensation Appeals Tribunal. As I said in Sudbury last week, it is rather silly as a negotiating tactic, if this is a negotiation exercise, to concede points, if you look at it in that way.

My view was that it was appropriate, as a courtesy to those who would be coming before the committee, to tell them that they need not argue those points. If they got the same amount of time, maybe they could argue the other points more or maybe they would simply not want to bother to make a presentation. But as a courtesy to the committee, I thought it should be announced early so that people can be prepared.

Perhaps it is my legal background. As soon as you change your statement of claim or you amend what you are seeking in terms of damages, you have to notify the other party. You cannot hold that back. The legal system operates best in that regard when that is done.

I expect that, as a result of the submissions that are heard, the ministry will be reviewing those and the government may have amendments to bring to the committee. I expect that the committee, after hearing submissions, may want to discuss in analysing the bill the possibility of certain amendments, and we would be giving our views to the committee on that.

But I do not think the member for Sudbury East will characterize any of those amendments as anything other than minor tinkering, if the amendments do not have the effect of turning a bill that creates a dual award system into a bill



that does not create a dual award system. As far as I am concerned, that issue has already been considered by the Legislature. The Legislature adopted the bill in principle.

The two principles in the bill are the creation of a dual award system to replace the current system for permanent partial disability and to put into place certain measures relating to reinstatement of injured workers and rehabilitation of injured workers. That principle, if I could capture it, is a principle designed to facilitate reintegration into the workplace.

For example, if employers came to the committee and said, "We want the bill except that we want you to get rid of the reinstatement provisions," I would say that the Legislature has already agreed that we are going to have reinstatement provisions.

If in examining the bill there is a way to fashion the sections that are there in a way that more effectively achieves our objectives, certainly I, and I think my government, are willing to listen. We may not agree and we may argue forcefully before the committee that those amendments would defeat the purpose and take us away from the principles behind the bill.

So the answer to whether the fundamental principles of the bill are open to question is no, and I have told every group that I have met since I introduced the bill that that was the case. If we are talking about how better to effect those principles, how to ensure that the dual award system has the capacity to do what it truly is designed to do, then I think my answer is yes.

**Mr. Mackenzie:** What you have said in effect is, "Sure, we'll take a look at housekeeping amendments, but the principle of this bill stands," and there are two or three of the main points you have made that we have some real difficulty with.

Suppose that you have hearings around this province, as are scheduled, and that presentations to the committee—I am taking it to the extreme now; I acknowledge this is not going to happen because you will have management and others there as well—but suppose that every major presentation you get is an argument that this bill is flawed, for this reason and that reason. You are still telling us that even if there were no counterarguments, the bill would not change. You have made the decision, as a government; fundamentally, that is it.

**Hon. Mr. Sorbara:** You said you did not want to be ridiculous, but you are saying to me, I guess, that if every single presentation before the committee advances the argument that there

should not be a dual award system for permanent partial disability, then perhaps I would have to re-examine the issue, except I am sure that is not going to happen.

**Miss Martel:** If I can respond to that, the problem is that the three areas that you mentioned are what we consider to be fundamental in this bill as well. We have stated our opposition to those three principles right from the outset. That opposition has not changed.

**Hon. Mr. Sorbara:** I did not know that the opposition party was against reinstatement, but if that is what you are saying—

**Miss Martel:** Let's be frank. We have said that those three areas cause us a great deal of concern. What you will find in the hearings is that we are not the only ones talking about those and stating that there are fundamental problems. You will find that the trade union movement, the clinics and the injured workers' groups feel the same way.

I guess the problem I am having is that, as a member on that committee who will go through six weeks of hearings, I am extremely disturbed to find that we are not going to be in any better position than we were on Sunday shopping; that is, on the fundamental issues which we are all concerned about, some of us are coming at this from a very different side and do not accept those fundamental principles.

I thought the point of the public hearings was to look at the whole package, find out where everyone was coming from and take another look at it. If you are stating to us today that those three areas will not change in any way, shape or form, then we have a serious problem, because I think that is where you are going to find the root of the opposition.

**Hon. Mr. Sorbara:** I do not think I said that.

**Miss Martel:** I was certainly under the impression that what you said was that the government was committed. Indeed, during passage on second reading, the government showed its intentions, as the bill stands, concerning rehabilitation, reinstatement and the dual award system. We have noted some very grave concerns in each of those areas. We have said in fact that we do not accept the whole principle of the dual award system.

What are you telling groups then who are going to come before the committee and argue that the system will undermine the rights of workers and their benefits? Are you telling people, "Don't bother coming, because we are not going to change it anyway?"



**Mr. Cordiano:** I might say at this point you yourself are prejudging what the hearings might say, because you are assuming that you are going to have an overwhelming preponderance of people who will agree with your point of view. I do not think that any of us are in a position to determine the outcome of those hearings until we actually go through the process. I think we are a little premature in assuming that.

**Hon. Mr. Sorbara:** I appreciate the comment of the member for Downsview.

**Mr. Mackenzie:** If the member for Downsview is talking about the committee and can assure me that it is open to that extent, even that would give me some sort of hope.

**Mr. Cordiano:** I would like to assume any committee I am on is quite frank and open to any suggestions of amendment that would be entertained by the committee. I have always assumed that on any committee that I have been a part of. I think you should not be in a position to prejudge what might be the outcome of any committee's deliberations.

**Miss Martel:** I might point out to the member, though, if he takes a look at some of the opposition that is going around about this bill, he will find that those are the three key areas where there is a great deal of opposition. What I am saying here today is not much different from what the trade union movement is saying, that is, the Ontario Federation of Labour, most of the legal clinics and the injured workers' groups. That is a substantial portion of the opposition to this bill.

**Mr. Cordiano:** I can appreciate that, but you are doing the same thing you are accusing the minister of not wanting to accommodate, and that is to prejudge or to assume that the outcome which you already have knowledge of will be the very outcome that you are saying today will in fact hold true; that is, everyone is going to be opposed to the bill's three fundamental principles. I think we should allow the process to work as it always has. Let's go through the hearings and then you can find out for yourself how things turn out.

**Miss Martel:** I have no problem going through the hearings. In fact, I am looking forward to them. What I am saying to you is that there is a definite sense, I think from all sides, if we are going to be frank about it, about where the opposition is coming from, what it is saying and what it is opposed to. That is not going to change during the course of the hearings.

**Mr. Cordiano:** I appreciate that, but what is the point of what you are saying? We should not have hearings?

**Mr. Mackenzie:** The point is that if this committee is open enough, even our minds might change on this issue. That is one thing. But if the orders, that are down from the minister and the government already, are that this is the government's position, then we are really going through an exercise that has not got a hell of a lot of validity.

**Mr. Cordiano:** You can say that about everything that goes through the House, because we have a majority and every vote is preassumed.

**Miss Martel:** We know.

**Mr. Cordiano:** Why do you not go on a holiday for a few years?

**Mr. Mackenzie:** The majority is the mechanics, but it is not necessarily what it should be.

1550

**Mr. Chairman:** Can I make an observation? I do not think this discussion is really going anywhere specific. Both points of view have been made very succinctly here and I think we should get back to the minister's response.

**Mr. Mackenzie:** If we can have one more question, not on Bill 162 specifically but on the Workers' Compensation Board—it is all I have at the moment—it is simply, what is an up-to-date status report on the kinds of delays we have now when people are going to the worker advisers? I have not checked for maybe a couple of months in my town, but there has been a very long period of time to get appointments and deal with injured workers' problems. I wonder if we could get any updated information whether the situation is in fact improving or is as bad as ever, is regional or is otherwise.

**Hon. Mr. Sorbara:** Perhaps I might invite Arthur Gladstone to join us at the committee table and shed whatever light he can on that. Arthur is—I am terrible with titles—executive director of labour programs and one of the brilliant minds within the ministry. Let's put it on the record.

**Mr. Gladstone:** Thank you, minister.

**Mr. Chairman:** Mr. Gladstone, if I might interject, my preference as chair is that if there are questions as you go along, I hope you will be receptive to answering them and clearing up points as we go. As little interjection as possible by myself is my preference.

**Mr. Gladstone:** Thank you. The case backlog issue you referred to is one that causes us

considerable concern as well. We have been taking several steps to improve the workload and decrease the time people await service in terms of their cases going forward through the adjudication process at the board.

If I may, let me go over some of the steps we are taking. We are looking at improved case screening. The waiting list is being reduced by putting in place a new early intervention policy that offers short-term assistance to the injured workers. There are cases that can be dealt with in terms of self-help, providing them with letters, preparing material for them. Once it is sent in to the board, the case can be dealt with by the board.

There are other instances in which, of course, the board will make a ruling based on that information and they go will through the review process within the board. As some may have said earlier today, if you can reform the process, the case load itself will alter. We hope that will occur in time.

Improved case screening is also being addressed by a case selection process that has been prepared by the office of the worker adviser. We hope that screening cases and being able to work on cases you can figure out require more work or less work will assist in the claimants receiving prompt attention and thorough review. That is not to suggest the cases that are with the office of the worker adviser are neglected in any way.

The next step we have taken is preparing training and information programs to help clients and others. As many of you members of provincial parliament know, the office of the worker adviser has been in contact with your offices to ask whether your staff would like assistance in training to deal with workers' compensation claims. We have put on very many training sessions for members. I believe that in some cases it has resulted in people referring more cases to the office of the worker adviser in the short term than dealing with cases themselves.

That may be because of the complexity of the cases that are presented. It is a very difficult and complicated area of adjudication. It is not surprising that when people are faced with a claim for supplements or other kinds of benefits and have to find their way through the Workers' Compensation Act, they seek expert guidance on how to wend their way through the system.

**Mr. Mackenzie:** To you, or to the minister through you, there is just one thing in that which concerns me a little. This is part and parcel of the long fight to try to improve the service to injured workers and also, being very frank with you, to

take some of the load off members. Some of the members were carrying 100 and 200 active cases. I do not carry nearly as many any more, but we still have a number that we handle in our office.

One of the arguments made was that in effect the board was also being financed or assisted because of the work that was being done by members, and I think probably the most difficult jobs were really involved, with the Workers' Compensation Board cases—also by unions, by clinics; you name it. One of the reasons for the worker advisers, as I say, being up front, one of the arguments that was often made was the need to take some of the load off elected members and others who were doing the work.

I am just a little disturbed. I understand what is being said here, but I hope we are not seeing a policy change again whereby there is encouragement of staff, some of whom will take advantage of the training, that is designed to get the members and others back in to bail out the worker advisers now.

I wonder if the minister has any comment on that. Am I misunderstanding? I know you did not say that, but the offer to help our constituency people to have training and so on in this area just strikes me as a move back to the old days in terms of cases.

**Hon. Mr. Sorbara:** You raise an interesting question. I guess my response is to point to the estimates and indicate that more than \$7 million is allocated under these programs, the vast majority of that to the office of the worker adviser. Those figures, when compared to other parts of these estimates, are strikingly high.

I think we have to understand that we are devoting resources in the way in which we should be and that we have to utilize those resources more effectively. Part of the initiative to offer training to people who are in constituency offices is that there is still a tendency of injured workers to seek counsel and advice from constituency office workers. In our view, it is best that those constituency assistants understand the system and how it works, because if they do, often a problem can be resolved very expeditiously.

But it is not an attempt to reshuffle the load. It is a problem that has been encountered, particularly after the election in 1987. There are a lot of new members and a lot of people who have never worked within those circles before. They are now working in government and immediately confronting constituents who expect some sort of educated and authoritative responses on WCB matters.



**Miss Martel:** By way of supplementary, I add this comment: We have found that in spite of the office of the worker adviser which now has six employees in Sudbury and is doing a very good job—two of those people were former constituency assistants in my father's office and the office of the member for Nickel Belt (Mr. Laughren)—our case load has not gone down.

Part of the problem we are experiencing in terms of continuing high case loads is that the only reason we are having to move people to the office of the worker adviser is because we cannot afford to pay for the medical reports. That has caused a great deal of difficulty in our office because three of the orthopaedic surgeons are now charging anywhere from \$200 to \$400 per medical report for workers' compensation.

**1600**

The board will not accept a report from the family doctor. It has to be from an orthopaedic surgeon. Those are the prices people are expected to pay out of their pockets, or in our case, we have to refer them to the office of the worker adviser because we do not have those funds. That question has not been addressed.

We are trying to help people the best we can, too. Our case load is not going down. The people we have to refer are those in that financial situation, as most workers are. They cannot afford that kind of cost.

**Mr. Mackenzie:** In the original question—it may be part of your response, minister—I guess what I am trying to find out is, what are the hot spots in the province and is there any movement substantially at all, in any of the areas where we have workers' advisers, in terms of the delays and the backlog of cases? In a practical sense, what is happening?

**Mr. Gladstone:** Mr. Mackenzie, what I was trying to do was outline some of the steps the office of the worker adviser was taking and is taking to address the issue of the case backlog in general. Aside from training, there are organizational and administrative initiatives in terms of opening up new offices. For example, offices were set up in Sault Ste. Marie and Timmins and they are fully operational. There is a plan to open a further office with five staff in Mississauga on April 1 to alleviate the workload in the Weston and Toronto offices.

I think it is fair to say that the workload in Toronto and in London has continued to be quite heavy. One of the things we want to do in the coming year, and we are in the midst of commissioning it, is a review of the operations of the office of the worker adviser in terms of its

case management system and the manner in which the office administers the workload it currently has.

I think it is fair to say that the office opened with an expectation of serving some 3,000 claimants in a given year. Last year, I believe, it handled some 15,000 cases. I believe, as the minister has said, considerable resources have been directed towards that office since its birth in 1985-86. The time has arrived to look at how the child is growing and how it could learn to deal with its workload in a more efficient manner, if that can be done.

It is a tremendous workload. We are all aware of the pressures that injured workers have, the psychological demands upon them and the way in which you have to be sensitive to their needs in responding. It is quite a job that the office has, especially the London and Toronto areas. I add to that the geographical problem of the Thunder Bay office, although the numbers of cases may not be as great; I think it is carrying about 500 cases at the moment. It has, I believe, two worker advisers. We are looking at ways of trying to redistribute the workload between the various advisers to see if there is a way of assisting them in dealing with the 500 cases across the vast northwest of this province.

**Mr. Ruprecht:** Just briefly. Did you say 500 cases in the northwest, or 500 cases in Toronto or all over Ontario?

**Mr. Gladstone:** That is in the Thunder Bay office.

**Mr. Ruprecht:** Just the Thunder Bay office?

**Mr. Gladstone:** Yes. The office carries about 15,000 cases in a given year now, for the whole province.

**Mr. Ruprecht:** Are the prospects for this year the same?

**Mr. Gladstone:** Yes.

**Mr. Mackenzie:** I think it underlines some of the arguments and some of the reasons for not going back into Bill 162 at all, but some of the reasons for the concern we have. You have a situation here that was pointed out before we set up the worker advisers. Obviously, any service like this does tend to generate some additional work, but even if you take that into account, the need was obvious. If it has gone from 3,000 as an expectation—we do not have anything to measure it with maybe, other than what was being done in others' offices—to 15,000 last year, you get some idea of the concern and the kinds of problems that require the help of a worker adviser.



**Hon. Mr. Sorbara:** You are going to disagree on what I am about to say, but I strongly believe the changes to the system that Bill 162 will bring about will go some significant way to reduce the workload of the office of the worker adviser. Remember that those cases are being generated within the current provisions and very many of those cases, I suspect, are cases where individuals are dissatisfied with assessments relating to permanent partial disability.

**Miss Martel:** I have some questions, Mr. Gladstone, not concerning the office of the worker adviser as such; they concern the office in terms of the hearings on Bill 162. I take it you will have been issued a notice by the standing committee on resources development concerning the hearings, that we would like both the office of the employer adviser and the office of the worker adviser to attend. Am I correct?

**Mr. Gladstone:** I have not received anything personally. I understand through discussions with the ministry's policy branch that there was a request for the offices of the worker and employer advisers to attend one of the three two-hour sessions that would be allotted to the Ministry of Labour and the offices, as well as the Workers' Compensation Board. At the moment, it is my understanding they will be here at the committee's request, and we are currently preparing our submissions to the committee for review by the ministry prior to submission.

**Miss Martel:** So the ministry reviews the submissions before either of the offices comes before us?

**Mr. Gladstone:** I certainly will read them and I expect my boss will read them.

**Miss Martel:** Can I ask then about the content of those submissions? Are either of the offices allowed to make any comments concerning the bill, either in favour of it or in criticism of it, or is there going to be an exclusion concerning what their mandate and role is, etc.?

**Hon. Mr. Sorbara:** If I can answer that, the ministry will be making a presentation at the start of the hearings and the office of the worker adviser will be part of that group. I do not think it can be determined now what individuals from within the ministry coming to the committee are going to be speaking, but I do not think we are in any way identifying a particular problem. We have an obligation to be there. The office of the worker adviser is part of what is going to be brought to the committee.

**Miss Martel:** I have no problem with any of those groups appearing. My concern is what will

be the framework within which either of those offices will be able to comment on Bill 162. I guess I am asking, to be as frank as possible, if the office of the worker adviser in particular has criticisms of the bill, are its representatives going to be allowed to make those and is the committee going to be allowed to question them on that very issue?

**Hon. Mr. Sorbara:** The office of the worker adviser is one structure within the Ministry of Labour. Is what you are suggesting to me that we should canvass all of the various branches of the Ministry of Labour to bring a view to the committee that challenges the view of the ministry?

**Miss Martel:** No, Minister.

1610

**Hon. Mr. Sorbara:** It would be very strange indeed, when Bill 208 is before committee, if we should get all the branches of the Ministry of Labour to come before the committee and say, "In construction health and safety we think this is great, but in occupational health and safety we think it is lousy," or "In mining health and safety we want to change this or that," or "We think our minister is an idiot for bringing the bill forward."

What are you suggesting, that we have a bloody free-for-all in the Ministry of Labour as to which of the assistant deputy ministers likes it very much and who suggested these words? Come on.

**Mr. Mackenzie:** It might be interesting if we had it, Minister.

**Miss Martel:** Let's just be very clear.

**Hon. Mr. Sorbara:** That is what you are suggesting on Bill 208.

**Miss Martel:** No, just a minute. Let's be very clear about this. I said very specifically, the office of the worker adviser, considering that they deal with workers' appeals and workers' compensation every day. I do not care to have all offices in your ministry here, because quite frankly they are not affected by this legislation. The office of the worker adviser, in dealing with injured workers, will be and will be dramatically affected, I suggest to you.

I would like to know specifically, will those people be allowed to come in, given that they know the legislation very well, given that they deal on behalf of injured workers? Are they going to be able to come in and express their views, not your views, on this legislation?

**Hon. Mr. Sorbara:** Let me tell the member, as calmly as I can, that the office of the worker adviser will be part of the ministry submissions,

will be part of the delegation from the ministry. If there are representatives there from the officer of the worker adviser whom the member wishes to put questions to, I think probably that is going to be all right. But if she is suggesting to me that the ministry should be broken up in terms of its divisions and that there be individual submissions from individual branches of the ministry, she is coming from another planet.

**Miss Martel:** I never suggested individual branches of the ministry. Quite frankly, get serious now. I suggested the office of the worker adviser, which is directly involved in this bill and the repercussions of this bill. I do not expect that all offices in your ministry will be here—I do not want them here—but the people who are most affected, that is, the office of the worker adviser and the office of the employer adviser, should be given the opportunity to say what they think on this bill. That is what I am suggesting. I think that is very clear.

**Mr. Chairman:** Any other comment, Minister?

**Hon. Mr. Sorbara:** No, I do not have any comment. It is a strange way to run a railroad, but okay.

**Miss Martel:** What I am suggesting to you is that not everyone in your ministry is so happy with it. They are dealing with workers every day and they see some things in this that you may not. My concern is that they are going to be told to come in here, talk about their mandate, their structure, how many cases they have, etc., which will not impact at all upon this bill or what their feelings about it are. I think that is legitimate.

**Hon. Mr. Sorbara:** I think it would be a very funny way to run a railway to suggest that once a government, through a minister from a ministry, has put together its position in terms of policy and legislation and the Legislature has agreed to adopt that bill in principle and consider it in committee, you would suggest that any particular branch of that ministry should make separate submissions to that committee in respect of the legislation.

I put to you the question, when a committee of the Legislature is considering Bill 208, should we do what you are suggesting on Bill 162; that is, say that the policy behind this bill is open to question, that we should consider once again in a public forum whether the government is committed to do what we said we are going to do in Bill 208? Where are you coming from on that?

**Mr. Mackenzie:** Several of us could be coming from the same side of it. You have a

group that is dealing specifically, that probably has not been involved at all in terms of the actual policy of the bill you have and you have a tremendous amount of unhappiness with this bill. These people have worked with them. What in hell is wrong with the kind of open government that lets the people directly involved in that one particular area make their comments? Maybe they do have some things they see that are not in line with what you have decided as a government policy issue.

**Mr. Chairman:** Could I comment, Minister, as the chairman of this committee? We are in estimates. I was happy a few moments ago when the minister intervened.

**Hon. Mr. Sorbara:** Now you are unhappy.

**Mr. Chairman:** No, I am not unhappy at all, because I really think that the line of questioning from the opposition at this point is out of line in one degree. The officials from the ministry are here to disseminate information and, if at any point that becomes a policy kind of consideration, as chairman, I would have to rule that out of order and redirect the question to the minister.

From my careful listening to what has been going here I really think that what the questioners are wishing for is some policy discussion with respect to some part of the ministry involved, and I could not, as chairman, allow that to go on in the estimates procedure anyway. Whether or not the structuring is different in an open hearing of the type you are talking about is another question.

But in this forum, if Mr. Gladstone had tried to give his point of view on the question, I would have ruled him out of order and I will always do that if one of the people in the bureaucracy does attempt to give a policy kind of interpretation to an answer. So, thank you very much, Minister, for taking the question because I think it was in order that you do that. We have got a pretty clear indication again of where we are going on this one, so perhaps we could continue.

**Miss Martel:** I have no further questions, Mr. Gladstone. Thank you.

**Mr. Mackenzie:** I might say, Minister, that it is useful. We know that part of what we are looking at has to be the processes, the procedures and the expansion, and this information is welcome. It is also equally obvious that we still have a real problem in terms of the case load that is there and whether or not there is all of the input we think there should be in fact in terms of policy. I think that answered it.



**Hon. Mr. Sorbara:** There was a question raised as to whether the government would introduce employment equity including mandatory quotas for the handicapped, given that as many as 85 per cent of the handicapped may be unemployed.

**Mr. Mackenzie:** For the record, Minister—because that has been a pet peeve of mine for years—I do not think I will have to go back in the Hansard to ask you if you are prepared to bring in quotas at all. I did raise the real problem where the figures do not seem to change and that it had resulted in my thinking, in my own bills that used the quota approach. My question was, and maybe I went a little further but I do not think so: Have you considered this kind of approach or has this been looked at as part of the answer?

**Hon. Mr. Sorbara:** I just want to respond to it. I appreciate your concern. From all I have heard, those jurisdictions which have quotas in legislation have rarely realized their quotas. I am thinking of comments that I have heard. I think the Republic of Italy has some quotas and nobody seems to pay any attention to them.

Unless the members want to get into a long discussion of issues relating to employment equity, I do not want to get into one here, other than to say that the government has already stated that it intends to implement a program of employment equity within the public sector and it has a working group within government looking at what employment equity might mean in the broader public sector and the private sector as well.

It is not something that is within my jurisdiction and my ministry's so I would not want to comment further on it, but I wanted to reiterate that the question of mandatory quotas is one of the options that, when one looks at employment equity, one has to consider.

**Mr. Mackenzie:** It also should be pointed out, Minister, that I think I told you, when raising the issue, that it was honoured more often in the breach than in the commission in some of the countries that have it; but I am told in one or two it has been a factor. In fact I am told that it has been a factor in Japan and that it has worked somewhat like our first-contract threat. The very fact that it is there make some of the companies respond and they do hire. In Japan it is one of the highest figures—something like two and a half per cent or three and a half per cent of the workforce. Once again, it is not that it is met but the very fact that the legislation is there.

I have promoted the idea with some reservation and not with total commitment because we

have not been going anywhere in changing the figures. There is as big a percentage of our people who are disabled and handicapped not working now as there was 10 years ago, or almost, percentage-wise, unless you had better figures for the last year available which I did not have.

1620

**Hon. Mr. Sorbara:** Can I just move on to the question of hazardous substances regulation? The question was asked as to what the joint process for developing hazardous substances regulations was. I spoke about that very, very generally in my opening comments, I think. I am going to ask Tim Millard, who is the assistant deputy minister in occupational health and safety, to comment further on that issue and to be available for questions from members of the committee.

**Mr. Millard:** I am pleased to have the opportunity to talk about the joint steering committee for the regulation of hazardous substances. I think members will be well aware that there was considerable discontent with the process for regulating hazardous substances in the province. That was the major concern expressed by organized labour leading up to 1987 when substantive changes were made.

The major concerns were the time-consuming nature of being able to designate substances on a one-by-one basis and abiding concern about the use of exposure values for exposure to substances that were based on time-weighted averages where, in fact, what happens is that the exposure to a substance is monitored over a long period of time, and then the average exposure is used as one of the ways of regulating exposure to hazardous substances.

There is considerable concern in the labour movement about that. There was also a major labour concern with the biomedical surveillance programs for individuals who were a part of a designated substances program. Were those biomedical surveillance programs appropriate to the exposures to those substances and should anyone be compelled to partake in a biomedical surveillance program?

The employer community concerns were primarily focused on the burdensome nature of the regulations; once again, the time-consuming nature of the process to develop regulations. Quite frankly, government itself had a concern with the designated substances regulations. One of those concerns was the time required to regulate. Another concern was the enforceability of those designated substances regulations.



I am not being flip, but at the same time, since we have found the two major client groups, the two major stakeholders, having a major concern with the way government is trying to do business, and government itself having some concern with the way it is doing business, we have decided that there might be a more appropriate way.

We lean very heavily on a brief presented by the Ontario Federation of Labour that called for the striking of a joint steering committee for the regulation of hazardous substances. I am fortunate enough to chair that committee, which was struck in November 1987. There are nine labour participants and nine management participants on that joint steering committee and one government representative, that being myself. My job there is to chair the committee and try to bring the two parties to consensus, while at the same time being fully apprised of government policy and public policy concerns as the two stakeholders try to develop consensus with respect to the very difficult and delicate matter of ensuring that workers are safe from exposure to hazardous substances.

We have developed, in the year that we have been in existence, a comprehensive process for being able to develop regulations, including a public consultation period that goes beyond the obligations set out in the legislation. The public consultation mechanism entails a tribunal to take the proposals to a public hearing with a labour representative, an employer community representative, a government representative. The committee has asked that, where possible, I be that government representative as the chairman of the committee, with a labour representative and a management representative accompanying me when we hear submissions from the public as this committee puts forward proposals for the regulation of hazardous substances.

Our commitment to the committee, of course, has been that where we can facilitate consensus on the regulation of hazardous substances, then government will move, not heaven and earth but as close as you can get to heaven and earth in order to have those regulations passed in accordance with the needs of the stakeholders.

Let me very briefly add what I think are some significant accomplishments on the part of the labour and management representatives on that committee. They have struck three task forces, which have now reported back on an interim basis to the joint steering committee.

One task force is in the process of developing an entirely new regulatory framework and classification framework for hazardous substanc-

es, so that the classification of hazardous substances can take place in a more generic way and the stakeholders and government do not have to address themselves to the entire process or through the entire process on a substance-by-substance basis.

There are a number of hazardous substances in our workplaces that have common characteristics with respect to their impact, and we need to find a way to treat those common characteristics that ensures that workers are safe from exposure. They have reported back great success, once again, with labour and management working together at that task force level.

One of the most contentious subjects dealt with by a task force is the exposure values, and that task force is looking at evaluating the scientific basis for time-weighted averaging and for setting exposure values; evaluating the appropriateness of using exposure values and limits based on time-weighted averages to protect worker health; and finally, defining a process and criteria for establishing appropriate exposure values and limits for hazardous substances.

It has reported back to the joint steering committee and has reported both from labour and management considerable success to date and considerable progress. I will not relate all of that here, but certainly as the chairman of that committee, I have been very heartened by the progress made, and government sits on each of those task forces as well.

One of the task forces as well deals with biomedical surveillance, which has been an extremely difficult concern because of the intrusive nature of a medical examination and the appropriateness of medical surveillance to exposure to some hazardous substances. That task force has proceeded to the point that it is now recognized that biomedical surveillance for a worker, where it is appropriate, should have two major benefits, and that will determine whether or not a biomedical surveillance program is appropriate to the regulation of hazardous substances.

The first is that the biomedical surveillance program must have the ability to determine clinical and subclinical effects on health and it must expose those clinical and subclinical effects at a time when those effects can either be halted or reversed, and that is an important consideration.

The other benefit that must accrue from a biomedical surveillance program is that it provides a basis of comparison for the effectiveness

of the exposure controls in the workplace so that those exposure controls can be improved where the biomedical surveillance program indicates that clinical and subclinical effects are developing in workers. That is a significant step forward.

I think the other major step forward by labour and management in this regard is that it is considered that biomedical surveillance should be the right of a worker—labour and management have agreed to that—and not an obligation to the worker, so that in fact what will happen is that where a biomedical surveillance is determined to be appropriate, based on World Health Organization criteria, that task force is accepted.

#### 1630

Then the biomedical surveillance program can be prescribed and all of the medical examination that must accompany that biomedical surveillance program can be prescribed in regulation. Then the employer will be obligated to make that biomedical surveillance program available to the worker and the worker has the option of participating in that program at the employer's expense. You will note, I hope, that the deliberations of that task force proceeded sufficiently that Bill 208 includes those provisions.

I, and very much those nine labour and those nine management people who helped me, did what has now been described as a dirty job but one somebody had to do—John Lang, I remember, from the Confederation of Canadian Unions. You will know that irrespective of the size of the workplace, if there are designated substances present in that workplace, a joint health and safety committee is required. We have sent out a booklet, very small but descriptive, to each of those joint health and safety committees explaining what this steering committee is all about and how it is approaching its business.

As I say, John Lang from the Confederation of Canadian Unions is responsible for the title of that document. I think they are all, as I am, quite proud of the success we have had to date in dealing with a very difficult subject. We are now in the process of assigning priorities to the regulation of hazardous substances, using a consultative process.

**Mr. Chairman:** Thank you very much, Mr. Millard. I expect the committee will want to ask some questions of clarification. I hope, as they ask these questions, you show the same restraint Mr. Gladstone did. If they get into areas of policy, direct them to the minister. The reason he is so dynamic in his job, I expect, is he enjoys that kind of controversy and you do not need to get into it.

**Mr. Millard:** Thank you, Mr. Chairman.

**Mr. Mackenzie:** I have two or three questions that I want to raise, or once again, I guess, just requests for a bit of up-to-date information. What is happening in the whole controversy with some of the workers over the aluminum levels? Where are we on looking into this situation?

**Mr. Millard:** We have been working with organized labour, the Canadian Auto Workers in particular. We have been working with the employer community, particularly McDonnell Douglas and de Havilland. I am sure they have no concern with my indicating that we have been working with them as well. We have been working with Dr. Kruck and Dr. McLaughlin to try to bring together the opportunity for a comprehensive study on the effects of aluminum exposure.

As you are well aware, I am sure, Mr. Mackenzie, there is a good deal of information available with respect to aluminum, but there is not a great deal of definitive science available to describe whether or not health effects occur as a result of aluminum exposure, and if in fact health effects do occur from aluminum exposure, at what level of aluminum exposure those health effects begin to manifest themselves. Some studies have indicated that at very high levels—7,400 nanomoles per litre of aluminum in blood serum in people who are on dialysis, who have had renal failure—then there is some evidence there may be some neurological impact from aluminum.

**Mr. Mackenzie:** I think there is considerable evidence at the 7,400 nanomoles level, is there not?

**Mr. Millard:** Among dialysis patients, yes, but only among those dialysis patients to date. We need to be able to bring together that study and we are working vigorously towards being able to bring it together. As well, you know we have a standard for workplace exposure of 10 milligrams of aluminum in dust form per litre of air or per cubic metre of air. That is a standard accepted in most jurisdictions around the world. It is the same as in Sweden.

The Joint Steering Committee on Hazardous Substances in the Workplace that I chair has also seized this subject. The joint steering committee has been asked to place aluminum among its priorities for determining whether we can do more health effects research that will lead us to determine the appropriateness of our existing standard. As I say, our standard is comparable to other jurisdictions in the world, but we want to look at our own workplace standard as well.



**Mr. Mackenzie:** As the minister knows, there is a fair amount of controversy over this, and also some workers themselves and their families and their doctors claim the problems they now have are a result of exposure to aluminum.

I guess my caution or my concern is the one we had when we went through some pretty heavy arguments over effects on gold and other miners in northern Ontario. I can still recall being told 10 or 11 years ago that we were on the wrong track, and at the time we were not on the wrong track. It was a pretty definitive argument we were given.

I am hoping that this aluminum question—I think it is one where I am not sure there is not a difference in the responses of individuals, as with many substances, but one where I think there are some of the walking wounded around with us already. I think it is proper it be one of the priorities, mainly, I guess, because of the number working in some of the industries who are exposed.

The other substance or the other, "Where do we stand or what are we doing, if anything, on it?" is polychlorinated biphenyl exposure. I guess I am referring here to a serious project of—

**Mr. Chairman:** Could I interject for a second? Mr. Ruprecht, was your supplementary on the other topic?

**Mr. Ruprecht:** No, it was not. I will wait.

**Mr. Chairman:** Go ahead then.

**Mr. Mackenzie:** On some of the cases Stan Gray has raised and on cases that we were having raised long before that, with Ferranti-Packard and some of the other plants, in terms of PCB exposure of workers, can you give us any update on what is going on in this field?

**Mr. Millard:** As you are aware, I am sure, we began a study in June 1985 at Ferranti-Packard. The number of employees with past PCB exposure was fairly small at that plant and it was decided to try to increase the study by approaching management and labour at each of the plants in Ontario that had used PCB in manufacturing transformers and capacitors.

**Mr. Mackenzie:** Including Westinghouse, I think.

**Mr. Millard:** Including Westinghouse; absolutely.

Six companies and some 11 manufacturing sites were invited to participate through their joint health and safety committees, and I think it is important to add that. The joint health and safety committee, being equally composed of labour and management, is the appropriate place to approach the workplace on these matters.

All but two of the plants were represented by the United Electrical, Radio and Machine Workers. Unfortunately, those two decided after careful consideration that they would not participate in the study. They felt that a considerable amount was known about the health effects of PCBs and that the ministry's resources could be more profitably deployed in devising means to safely clean up existing areas of PCB contamination.

The study of the current health of workers at Ferranti-Packard was conducted by St. Michael's occupational health clinic, at the request of management unit and the union, and the study reported no evidence of PCB toxicity. A report of the epidemiological study conducted by the Ministry of Labour of cancer incidents and mortality at Ferranti-Packard was reviewed and it will be presented to the joint health and safety committee within the next month.

As you may be aware as well, Mr. Mackenzie, the Industrial Disease Standards Panel has wrestled extensively with the question of health effects from PCBs and has undertaken an analysis of information from around the world, but has used a technique that is called meta-analysis with respect to trying to aggregate results from a number of different studies with respect to health effects of PCBs with a different base and a different source of information.

Unfortunately, the meta-analysis technique the Industrial Disease Standards Panel has used has come under some considerable peer criticism, and the Industrial Disease Standards Panel is going to have to continue to try to determine the appropriateness of that technique before its findings are going to stand with respect to health effects of PCBs. We continue to work on it and continue to try to find all of the science and develop new science where we can.

1640

**Mr. Mackenzie:** Are any of the individual cases that have been raised by Gray and the clinic among Westinghouse workers been studied by the ministry?

**Mr. Millard:** Individual cases? I cannot tell you that. I will be happy to get the answer for you.

**Mr. Ruprecht:** I will try to be very brief. In 1984, the then government decided to permit mobile PCB trucks or tankers, or whatever you might call them, to go into various districts of Ontario, including the city of Toronto, to burn PCBs. Do you remember that?

**Mr. Millard:** Yes, I do.



**Mr. Ruprecht:** At that time, of course, we were sitting on opposite sides of the fence, but we do not want to get into that too much right now. Minister, you realize that PCB contamination had taken place in the area of Parkdale north of a Canadian General Electric site. In fact, they discovered hundreds of tons of PCB-contaminated soil.

To make a long question short, I am wondering whether you know—you might not—if consideration is still on the table to permit PCB trucks to roll into various parts of Ontario, how you would then go about testing the men and the equipment for PCB contamination? Can we have discussion on that?

**Mr. Millard:** I think you are very quickly going to take me out of my scientific depth. Certainly, there are analytical techniques available for measuring PCBs. You may be aware that one does not, however, measure PCBs directly in water. You do not analyse the water to determine the PCB concentrations. You monitor organisms, preferably at the top of the food chain, that live in that medium in order to determine the concentration of PCBs. PCBs are reported as parts per million of concentration in fish flesh, for instance, when you are talking about Lake Ontario or when you are talking about any of the Great Lakes where one is concerned about that.

In this case, there are ways to analyse the content of PCBs in fluids, for instance. It can be done. But beyond that, to determine whether in fact a worker who is driving a truck, as I assume you are referring to, is exposed, I am not sure of the technique that is available to determine that exposure. I can only tell you that I know there is a technique; but what the technique is, I do not know. There are techniques for measuring that concentration and thus the presumed exposure to that concentration. Of course, most of that is regulated through the Ministry of the Environment and also through the Transportation of Dangerous Goods Act.

**Mr. Ruprecht:** Perhaps I can ask a second question. Assuming you know there are PCBs, I think controlling dangerous substances in the workplace required in the past some co-operation with other municipalities, different jurisdictions of government. Is that about to change? Is it going to change in the future? Are we, as a provincial government, going to take more responsibility in that area, or are we co-operating as in the past with the different municipalities, thinking especially, as you know, of the city of Toronto, which broke some ground in this area, made the request for us to start a process.

**Mr. Millard:** I think there are three parts to the answer. In the Ministry of Labour, and particularly in the occupational health and safety division, our responsibility is to the workplace and the safety and health of that workplace. With respect to the control of exposure to hazardous substances within a workplace, other than uranium mines, for instance, which come under federal jurisdiction—even there we help them by providing a service for the federal government and some other federal establishments—it is our responsibility within the Ministry of Labour to be responsible for the health and safety internal to that workplace, and thus to protect the workers in that workplace.

We have a number of regulatory techniques to establish exposure levels to substances for workers that are determined to be safe and healthy levels. We do that in two ways. The most important way we do it, and the first priority for doing it, is through engineering controls, by establishing an exposure value within the workplace that the employer may not exceed. The employer may not exceed that, by introducing engineering controls into the workplace that keep the exposures below that level.

In certain more exceptional circumstances workers are required to wear protective equipment. Most often, that is in the form of respiratory protective equipment to avoid exposure, for instance, to styrene. In the recreational vehicle industry, the employer must keep the exposure levels below 50 parts per million, but is required to engineer down to 100 parts per million and then keep the exposure to 50 parts per million to the worker by introducing respiratory protective equipment between 50 and 100 parts per million.

I think the most important thing the Ministry of Labour has done with respect to outside the workplace is the introduction of Bill 79 and the community right to know that allows the community to have access to information about the hazardous substances and controlled products that exist within the workplace. They have access through their fire department or the medical officer of health in the community. That, of course, is a source of information that is available. When you talk about exposures externally, the Ministry of the Environment has a large interest and a large regulatory framework to deal with emissions from that workplace.

Finally, the third part is that when you deal with a contingency that may result from a fugitive emission, some substance escaping or some catastrophic event in a workplace, that

contingency planning is very much the responsibility of the municipalities. Each of the provincial ministries that has a stake is involved in that planning process and we are also involved in the contingency process. If a contingency arises, we each have a part to play, but we also input into the municipal planning process. But that planning for contingencies is a municipal responsibility.

**Mr. Mackenzie:** With respect to the workplace hazardous materials information system, retail beer stores or liquor stores would not be exempt from this legislation, would they?

**Mr. Millard:** I have no reason to believe they would, no.

**Mr. Mackenzie:** I have a letter coming in to me tomorrow, minister, that alerts you that there appears to be a real problem developing in terms of information that is available, which may be a little more dicey, and a management position which apparently is that WHMIS legislation has absolutely nothing to do with the stores and the workers, so it should not be on the table. There were some questions raised.

That has resulted in a few angry calls to me today, and in a letter that is coming in tomorrow about it comments have been made as to where they can get the information, what they can get and what does not affect them at all. It is just an alert that you might check into. It appears to be coming from the co-ordinator of health and safety for the Liquor Control Board of Ontario. I understand that the calls came specifically from the Liquor Boards Employees' Union.

1650

**Hon. Mr. Sorbara:** I appreciate the notice on that. We will look into it.

**Mr. Mackenzie:** I am not going into any more detail because I do not have it in front of me. I was a little bit appalled when I was told over the phone. I asked to have in writing what had been said to them.

**Mr. Chairman:** Are there any further questions of Mr. Millard?

**Mr. Mackenzie:** Not at the moment.

**Mr. Chairman:** Would you like to go on to your next point then?

**Hon. Mr. Sorbara:** Yes, I would in fact. This relates to the question raised by Mr. Mackenzie regarding figures on first-contract arbitrations in Ontario. In that regard, I am going to ask Romain Verheyen, the director of the office of mediation, to make himself available to the committee and begin by providing some data which relate to the substance of Mr. Mackenzie's question.

**Mr. Verheyen:** In response to your question for specific statistical information, the following briefly describes the developments from the inception of the legislation in May 1986 through December 1988. To start off, I would like to say that Ontario's experience to date can hardly be called definitive simply because first-contract legislation is relatively new. The real outcome of this process or a more valid conclusion or observation to make a better assessment should be made in a few years time.

For the entire committee, I would like to point out some of the criteria in which first-agreement situations are referred to first-labour-agreement arbitration. They are contained in subsections 40a(1), 40a(2) and 40a(3) of the Labour Relations Act.

Subsection 40a(2) says there will be arbitration where it appears to the Ontario Labour Relations Board that collective bargaining has been frustrated because of any one of the following reasons:

"(a) the refusal of the employer to recognize the bargaining authority of a trade union;

"(b) the uncompromising nature of any bargaining position adopted by the respondent without reasonable justification;

"(c) the failure of the respondent to make reasonable or expeditious efforts to conclude a collective agreement; or

"(d) any other reason the board considers relevant."

After a request for a direction to proceed to arbitration has been made to the labour relations board, the board then may either grant such a request—in other words, the case would proceed to arbitration or the board may dismiss such a request.

**Hon. Mr. Sorbara:** Mr. Verheyen, if I could just interrupt you for a moment, for the benefit of all members of the committee who may not be absolutely familiar with this legislation, those criteria that you read into the record are the statutory criteria under which a union may approach the board to seek a direction that there be arbitration of a first agreement for a first contract between that union and that employer, virtually in all cases where there has been a new certification of a union as a bargaining agent for a group of employees.

**Mr. Verheyen:** That is correct.

**Hon. Mr. Sorbara:** This, by the way, was the subject of legislation during the last parliament that I think was passed in late 1986 or early 1987 and is generally known as first-contract arbitra-



tion legislation under the Labour Relations Act. Sorry for interrupting.

**Mr. Verheyen:** No, that is quite correct. I think Mr. Pathe touched upon the subject last time. I thought I had related it to the specific section under the Labour Relations Act.

So then either the board can grant such a request or the board may dismiss a request. The board can take this action if the case does not meet any of the criteria of the Labour Relations Act. There is another possibility, that the request may be withdrawn either by a union or by both parties. Also, a case can be settled following a request for redirection by the board. This settlement can be reached in direct collective bargaining or, as in many cases, with the assistance of a mediator.

During the period of May 1986 to December 1988, a total of 1,061 first collective agreements were settled without any reference at all to first-agreement arbitration. During the same period, 71 directions to proceed to first-agreement arbitration were requested and received by the Ontario Labour Relations Board.

Of the total of 71 directions, 30 occurred during the fiscal year 1986-87, 21 during 1987-88 and a further 20 from April 1, 1988, through December 19, 1988. Of the 71 directions requested, 13 were granted by the board, five were dismissed, one was withdrawn, 48 were settled by the parties in direct bargaining and four are still pending.

Of the 13 that were granted by the labour relations board, three were arbitrated by the board itself, five were arbitrated by private arbitration and four were settled without arbitration after a direction had been granted by the board. One is still pending as of this time.

Out of a total of 1,132 first agreements, only eight went to arbitration and as a percentage, this seems to be less than one per cent, actually 0.7 per cent.

**Mr. Mackenzie:** Can I interrupt here, Mr. Verheyen? Have we measured this against this period and possibly the two or three previous years, the similar period of time against the number and length of first-contract strikes?

**Mr. Verheyen:** I have not gone into that.

**Mr. Mackenzie:** You say it is not really definitive as yet, but it strikes me that one thing is obvious. The argument that a number of us made, that it would not be misused, appears to be there. The fact that it would be more effective by the threat than the actual use of it appears to be there. I would like, however, to be able to measure it against the length and the number of

first-contract strikes in the previous period. I agree it is early yet to be totally definitive. I certainly get the impression that it may have been useful legislation.

**Hon. Mr. Sorbara:** Those would be interesting statistics to analyse. Given an appropriate amount of time—it is a very busy division of the ministry—we could provide them for you.

Just anecdotally, there is a high degree of satisfaction with the way in which the amendments to the act have worked. I think that is universally felt. Perhaps not with every employer, but there is certainly a sense within the ministry—Mr. Verheyen will correct me if I am wrong—that the structure of the amendments is working, achieving what they were designed to achieve.

**Mr. Verheyen:** Yes, I will gladly make that information available, as the minister said.

**Mr. Mackenzie:** I do not imagine, although I may be wrong, that that would really require that much research.

**Mr. Verheyen:** No, we will try to give it to you in a couple days through the office of collective bargaining information. If I may make an observation or two, Mr. Mackenzie—this limited information is only based on 32 months—I suggest that the parties are settling most of their agreements rather than having any imposed.

In summary, out of a total of the 71 requests, eight were settled by arbitration, three by the board and five by private arbitration. Seeking a direction from the labour relations board, in our opinion, seemed to be or may be a strategy to get the respondent to bargain seriously. Indeed, this may explain the high number of settlements reached even after a direction has been granted. Finally, the parties seem to remain in control of the collective bargaining process rather than having settlements imposed upon them by a third party.

**Mr. Mackenzie:** Once again, I wish I had the actual comments before me, but I am forced to refer back to the concern raised at the time by a number of members about the danger of the frivolous misuse of this particular bit of legislation. I do not think there is any evidence of it whatsoever so far, and yet that was one of the chief arguments against it in the years we were arguing for first-contract legislation. Has the ministry come up with any cases it considers frivolous requests?

**Hon. Mr. Sorbara:** None that I know of.

**Mr. Verheyen:** I really cannot say.



1700

**Mr. Mackenzie:** Some of the old chestnuts die hard.

**Mr. Chairman:** Do you have any further questions?

**Mr. Mackenzie:** I have a couple of others but I am not sure if they are in your area or not. I am wondering what is going on, and it is a question that I just raised briefly with a couple of the people at noon. It is not a strike, but there was a slowdown—I think the workers called it—with the Metropolitan Toronto Housing Authority employees. They have given me, in some detail, some of the problems they had in the course of their negotiations.

I believe it may be a little bit off the table now in that they tell me there has been either a mediator or an arbitrator assigned to look into or sit in on the next round of contract talks. But I am also told that a number of things that were agreed upon were not honoured. I know that is not totally the ministry's role, but I would be interested in an update, because I have been meeting with and will have a further meeting with these people shortly.

**Mr. Verheyen:** I made a couple of phone calls after talking to you earlier on, Mr. Mackenzie. Indeed, these employees fall under the Crown Employees Collective Bargaining Act and they do not have the right to strike, for one thing. They do not fall under our jurisdiction, but the registrar from the Crown Employees Grievance Settlement Board advised me that a Barry Fisher has been appointed as a special arbitrator and Mr. Carnavale advises me that he is calling a meeting tomorrow between both parties. That is the latest information that I have, but it is really not under our jurisdiction.

**Hon. Mr. Sorbara:** Are you done on the labour relations thing?

**Mr. Mackenzie:** More or less. There may be one or two of the others as we go through the few questions I still have, once the minister has finished responding, that might fit in any of the fields. As I said, I see no difficulty in having a vote, probably before we are finished the day next Thursday, and we can leave it more or less open in case we want to go back; but I do not think you necessarily need to keep people here.

**Hon. Mr. Sorbara:** Okay. Thank you, Mr. Verheyen. Responding to a question that Miss Martel raised as to the advisory board of the green paper that is being prepared on workers' compensation issues, I will just list the people

who are going to be making up that advisory board.

They are Ron Franceschini of the Canadian Manufacturers' Association; Lillian Stevens of the Ontario Federation of Labour; Ted Roscoe of the OFL; Robert Nickerson of the OFL; Carmer Sweica of the Council of Ontario Construction Association; Dale Botting of the Canadian Federation of Independent Business; Stephen Cryne of the Employers' Advocacy Council; Les Liversidge of the Employers' Council on Workers' Compensation; Trevor Byrne of the Provincial Council of Building Trades, and Joe Quatralo of the Union of Injured Workers.

I cannot imagine that there are questions on that. With the committee's indulgence—I would defer to the chairman on this—Fred Peters, who is the executive director of administration and finance, is here to answer a number of questions raised by Mr. McLean. We could go through these very quickly and they could be on the record. I am not anticipating that Mr. McLean will be here next Thursday morning, but if the committee wants to defer that or suggest that the answers be submitted as a written response—I feel we have an obligation to answer those questions—I am at the pleasure of the committee.

**Mr. Chairman:** I would like the record to show that I checked with Mr. McLean yesterday and he would like you to do exactly that, put the responses on the record, because he may not be in attendance next Thursday either.

**Hon. Mr. Sorbara:** Could I then, with the committee's indulgence, invite Mr. Peters to join the committee?

**Mr. Mackenzie:** While he is coming up, we have one more question that Miss Martel wanted to ask.

**Hon. Mr. Sorbara:** Sure.

**Miss Martel:** Excuse me, Mr. Peters. Just on the advisory board on the green paper, can I ask what the procedure will be for establishing that agenda in terms of what the advisory committee is going to look at, and will that be something that starts up in the near future or are we looking at some delay?

**Hon. Mr. Sorbara:** To answer that in detail, I am going to ask Nick Ignatieff to simply comment and respond.

**Mr. Ignatieff:** Miss Martel, we hope to have a meeting within the next two or three weeks, at the convenience of the members. A few of them have been out of town, so we have not been able to get going until now, but we would like that process to begin within a two- or three-week time frame.

**Miss Martel:** In terms of their mandate, will they be establishing the agenda that we are looking at or are there specific issues that the ministry is interested in looking at and they will be working around those issues?

**Mr. Ignatieff:** The purpose of the advisory group is really to advise the minister on the contents of the green paper, so the agenda is very much open.

**Miss Martel:** Open? All right.

**Mr. Ignatieff:** People will be invited to come with their ideas and we will be working through them. I think the focus is very much on what this green paper should contain. What are the key issues that now need to be addressed? Certainly we do not intend to try to arrive with any definitive answers.

As you will remember, I guess when the minister announced the intention to have a green paper and to do so in a consultative way, certain ideas were put out last June, but that was not ever intended to be definitive and I am sure everybody has got other ideas since then.

**Mr. Peters:** I understand the clerk has circulated material that provides the detail that was requested by Mr. McLean. It covers five areas: the use of the special warrants; material on the staffing levels within the Ministry of Labour; some data on employment equity; response to questions related to travels undertaken by the minister, and some listing of contracts entered into by the ministry over the two-year period for which information was requested. I would like to offer some remarks against each of the topics in turn.

As an introduction, the question on the special warrant arises primarily when the ministry is faced with an appropriation issue or where it has not estimated a particular need and, consequently, no appropriation of moneys has been made for the purpose.

There are, though, some conditions which must be satisfied before a special warrant may be sought. There are three: The Legislature must be prorogued; the expenditure must be unforeseen and urgently required for the public good, and there must be no existing appropriation of money for the expenditure.

As is indicated on the cover sheet of the material circulated, those conditions were satisfied on two occasions, and consequently the appropriations were provided through the provisions of the special warrant. If you turn that cover page, you will see the amount of the special warrant in total, split by the times in which they were received, both for April and May 1987 and

November 1987, and they total some \$29.6 million.

If you make reference to the explanatory material that was circulated to you, you will find that within the context of the estimates to be voted in either the last or this year, those amounts have of course been reduced against the amounts to be voted. This does show the amounts of the special warrants, both by vote and item, covering the main operating areas of the Ministry of Labour.

**1710**

**Mr. Mackenzie:** Why is mine rescue training not included in the special warrant. Can you tell me the reason, or is that standard?

**Mr. Peters:** The mine rescue program is a fully recoverable program through the offices of the Workers' Compensation Board and the Ontario Mining Association. The other one is noted on the bottom of that page. It is also a statutory appropriation and statutory appropriations are not usually a matter of supply bills.

Page 3 begins to address the questions of staff strength in the Ministry of Labour. There are three pages covering what could be termed different points in time, as you will know by looking at the dates. They do, though, require some element of elaboration in that page 2 outlines the material that will reference and balance to the members' briefing books. The other two are as of March 31, 1988, and December 31, 1988. They are split out by permanent civil service staff, contract employees, crown employees and students, as applicable.

One point I would like to stress as a point of clarification is that unlike in past years, and it goes back some time, ministries are not controlled by staff complement; rather, they are controlled by a salary limit. One can have some movement across a period of time subject to the availability of salary and wage dollars.

I guess the simple way of saying that is that you can hire as many employees as you can afford to hire within the salary allotments. That will explain some of the variance in the numbers as well as other factors such as the hiring of summer students, etc.

The next general section relates to the hiring and movement of designated groups in the Ministry of Labour for both the 1987-88 and 1988-89 periods, subject to the qualifications indicated by the asterisks. You will find that the activity is expressed as a percentage of new hires, so it is more of an activity-based measurement



than a measurement based on percentage of total labour force.

The rationale and the limit there, as indicated on the bottom of that page, is that one of the things that is not yet available that allows for another range of comparison is the collection of employment equity data for employees in all ministries. That would then allow for the construction of a database that would give you a reference point for other analyses.

The data that will be collected, and this is a process currently being undertaken, at least in the sense of guidelines being developed, will be collected on a voluntary basis and maintained on the computerized human resource information system as part of an employee's record. It should also be noted that the freedom-of-information legislation will apply to this data, as it does to all personal data on Ontario public service employees.

**Mr. Mackenzie:** I have another question at this stage. Looking at your figures, just in relation to some of the discussion we had earlier, for "known handicapped" and the "new hires" 1987-88, it was eight against 77 for the total group, and in 1988-89, it was four as against 57. While it is a smaller number, it is a larger decline still in the known handicapped, which may not tell us anything really but how do these figures compare with, say, the previous year's and what the percentage of known handicapped would be in the staff complement? Is that information available?

**Mr. Peters:** If I understood the question correctly, my first suggested response would be no, if you look at it as an expression of a base. I think one of the fundamental problems with those types of measurements, and it is reflected in the way the paper is structured, is "known handicapped." I think automatically one gets into the realm of a whole range of definitional problems as to what is a known handicap as opposed to one where it is visibly handicapped in the sense of being able to be perceived as a handicap. I think that over time, as that database is structured and we go through, we will achieve a better degree of measurement along the whole dimension of handicapped individuals.

I would go back again, though, and simply reinforce the point that these statistics are stated as a function of how successful we have been against a hiring period of time. We achieved a target or exceeded a target of 25 per cent of all hires in the ministry in 1987-88 being among the four designated groups. One could not quickly provide, given the information I provided earlier

about the database, how many people in the ministry you have.

**Mr. Mackenzie:** I am satisfied at the moment. I was just trying to do a little measuring in one of the areas that has been of some concern.

**Mr. Peters:** The balance of the data regarding employees talks of the use of contracts within the ministry in the employer-employee sense and they are broken out by "bargaining unit," "excluded" which is management-excluded, and "management." It shows the length of time on contract for various periods of time in the ministry.

The pages on ministerial travel show the dates and the travel from April 1 to September 30, 1987, undertaken by Mr. Wrye and the same information for Mr. Sorbara from October 1, 1987, to March 31, 1988.

**Mr. Mackenzie:** Can I go back again just for a moment. I am curious, on the number of months on contract for contract employees, why we would show 10 in total and six as interns/trainees? What would that be?

**Mr. Peters:** I do not have that specific information. I can have it provided. I would venture that with the intern program we have, for example, a number of younger employees on the Ontario public service intern program and their employment is usually secured by a contract. The approach is to rotate that person among various operating parts of the ministry and through that process qualify him or her to be competitive in competitions leading to full-time employment. I know I have one in my division.

**Mr. Ignatieff:** I might add that my sense is—I am guessing a bit too—that the intern program, which is a very successful and useful one, is relatively new. It is envisaged as people coming in for a three-year period. I suspect this figure indicates that we have six people who are in the second year of their three-year cycle with us. I guess the hope of the program is that at the end of the third year, the ministry has taken them permanently on strength and they would disappear off a contract roll.

1720

**Mr. Peters:** The last sheets outline the consulting contracts entered into by the Ministry of Labour during the periods April 1, 1987, to March 31, 1988, and April 1, 1988, to December 31, 1988. They indicate the name of the individual and/or company, the type of assignment—whether it is technical, research, information technology, communications, etc.—and they show the status as being complete or



ongoing and the amount paid against those contracts.

For the period 1987 to 1988, for example, if you were to examine the contracts for the following year, you would find some carryover, so there will be some repetition and they would show in these data as being not completed yet and would show as a carryover contract being active for the succeeding fiscal year.

I believe that satisfies the questions that were raised by Mr. McLean.

**Mr. Chairman:** Are there any further questions from the committee? Thank you very much.

**Hon. Mr. Sorbara:** I would like to thank Fred Peters as well. We will make sure a copy of this document is forwarded to Mr. McLean for his further information.

**Mr. Mackenzie:** One further question on it: Is there any more detailed information available as to just exactly what work these contracts involved? It is one thing to say it is communications or technical; it might be interesting to know just exactly what the people or the companies were doing.

**Mr. Peters:** There would be significant backup material on each of those contracts in the sense of identifying what was to be done over what period of time and what we expected to receive as a result of that contract. Given the number of contracts on the summary we have provided, they are broken out by technical consulting, communications, etc., as is clear. What specific types of information would it be the desire of the committee to receive?

**Mr. Mackenzie:** I am not sure I do; I am just a little curious. There are a fair number of consulting contracts. There are a variety of names, individuals and companies I gather. I am presuming they are contracts that were entered into because it is information needed or work—some of this is always needed and I acknowledge that—that could not be done within the ministry, but I have no way of knowing or measuring it. It is just curiosity whether a fairly lengthy list is totally necessary or whether much of it could have been done within the ministry. I just do not know.

As I say, setting it out under the headings does not—"communications" can cover a lot of things. I could say "research" is an obvious one. There is "technical" and "info tech." I am just not sure exactly what you were contracting for outside of the ministry.

**Mr. Peters:** Perhaps I can expand on the practices within the ministry and the use of those

contracts. If one examines, for example, the use of what there is defined as an "info tech" contract, it has always been the position of the Ministry of Labour that what one does in an information technology and systems branch is to staff at a full-time level against baseline requirements, and so one has on complement or on staff X number of qualified systems development and/or systems operation or database administrators, whatever one wants to select.

Where there are short-term requirements for one of those functions, it is not uncommon—indeed it is the practice—to go outside and acquire that service on a contract, fee-for-service basis. It is my understanding that in most of the technical contracts, that involves contracts with universities and other organizations to provide material or undertake activities that are not available within the ministry.

Communications contracts range from use of an agency of record in the sense of a ministry; it can also, in my experience, talk about the whole range of preparation of graphic materials, type-setting arrangements and so on and so forth. I think on that basis it covers the broadest possible range of activity within the ministry.

The point I was trying to make was that it does not necessarily imply there is not the capacity within the ministry to undertake it. In some cases, it is complementary to activities undertaken in the ministry, i.e., for example, my comments on information technology and systems branch. If it is a highly specialized field, it has been our practice to buy that service outside the ministry. Communications is an ongoing activity and it resolves the question of whether you buy a service or make it in-house. Again, for a highly specialized service, it is more prudent on the financial side to go outside when you need that service for a specific period of time.

**Mr. Mackenzie:** Most of the individual amounts are not that great. It is a substantive list and a fair amount of money in total. How would one go about getting a sample—half of one of the pages or something—of just exactly what was involved in this without having to put a question in Orders and Notices and take up all the time that takes from the ministry?

**Hon. Mr. Sorbara:** In response to Mr. Mackenzie's question, I want to point out first that what he sees here before him is the list of consulting contracts between April 1, 1987, and December 31, 1988. We are covering a fiscal year and more than that.

In direct answer to his question, I think that if he or any other member of the committee wants

additional information on one or more of the contracts, I do not think we need to go through the business of a question in Order and Notices. He could make his inquiries and we could provide further information.

The difficulty in doing that in response to Mr. McLean's question, which was the direct reason for preparing the list, was that there was no way of telling which contracts he might have been interested in knowing more about. The entire list is here and we would be happy to provide summaries or further analysis at the request of any member of the committee.

**Mr. Mackenzie:** If I might carry over that thought, I am just a little curious on some of them. I am not sure we want to take the time, but maybe we can make a decision on that at the beginning of the next meeting.

**Mr. Chairman:** Could I make a suggestion? On the basis of the minister's answer, Mr. Mackenzie, my suggestion would be to pick out half a dozen you may be curious about, to put it in a reasonable frame of reference and get a response. My suggestion might be two for communications, two for technical and two for the other classifications, or something of that order, to get an idea of what the contracts were all about. That sort of puts parameters on it that are reasonable and I think quite realistic. If you picked the ones you wanted, it would certainly be a wide-open kind of thing.

**Mr. Peters:** I agree, Mr. Chairman. If I may offer one possible qualifier—not in an attempt to limit the range of selection by members of the committee—in some cases, if one has called a consulting contract for communications services, one is in a rough grey area of proprietary rights about the creativity aspect of a communications proposal. In some cases, that has led us into a protracted response in trying to satisfy information requirements.

Normally, that information, although sometimes requested under freedom of information, puts us through the process of writing to the person who has proprietary right on that creative concept, and we are somewhat bound by his or her willingness to have that material released, I think the point being simply that if I were a competitor, I would have unfettered access to other people's creative ideas and could adapt them on my own.

That, as I said, was not an attempt to limit the range of choice. It may be a question of how quickly we can provide the information selected going through the normal steps that we are required to go through under the Freedom of

Information and Protection of Privacy Act. I just wanted to make sure that that was on the record, not to end up in a lengthy discussion as to why it was not more timely.

**Mr. Mackenzie:** Surely any of them, if there were a request for it, particularly where their consulting contracts have been completed and the province has paid for them, should be available to a member if he wanted to find out what we purchased.

**Mr. Peters:** I think we would have no difficulty saying what we purchased. I guess my concern was the level of detail required supporting the decision to make that purchase, if that related to a creative concept of a communications agency. I think that was the point. Again, ask what you want and we will do our best to provide it within whatever limits, particularly the latter one I have outlined.

**Mr. Chairman:** Is that all right?

**Mr. Mackenzie:** It is okay for now, Mr. Chairman, yes.

**Hon. Mr. Sorbara:** Mr. Chairman, in as much as you are discussing timing, it may be that the committee wants to look at the rest of the agenda, assuming that we are working towards a vote on next Thursday morning, if all members of the committee are satisfied with the estimates. I have a commitment in Kleinburg at 6:30 p.m. I am certainly willing to go until six o'clock tonight. I was delinquent in my attendance this morning, but I am certainly willing to go to six o'clock. If the committee felt that it did not have any more questions for this evening and were interested in adjourning before then, that would also be rather nice.

**Mr. Mackenzie:** Supposing I go over with you a list of the things I was just going to touch on again, Minister, some of which you have dealt with partially or, you may feel, totally. Then if you want to adjourn, we can deal with them—there may or may not be any new things that arise.

I was going to ask you once again for any additional information in terms of what your plans are in skills training upgrading and programs of these kinds for workers. The cleaners and the contracting-out issue that I raised with you, I do not think you have responded to; the money owing to workers. Specifically, I know it is difficult, about the Max Security issue that has been on fire for so long, the Consolidated Bathurst workers in my town, the Tipps issue that I asked you about and beverage workers.

I have a comment that I want to pass on, because I said I would, from some of the students at the Hamilton Psychiatric Hospital. It concerns the Martin Bakie death, whether or not I have raised this with the minister himself. I think you said that you were going to take that up or go to court on that one. Also, there is a letter and I want to make some comments about employment standards problems. They are basically complementary but were raised by Consuelo Rubio of the immigrant workers' group; this is some six months old.

I asked you for comments on the Trespass to Property Act because of the effect it might have on workers and whether you had anything up-to-date on the overtime issue. I think that really covers things. Those were just additional requests for information or comments I still had on my list that I was hoping you would have some response to.

**Hon. Mr. Sorbara:** We certainly would be willing to devote all or part of the next Thursday

morning to each of those issues. I will have remarks to make to open a discussion and probably will be the brunt of a supplementary or two.

**Mr. Chairman:** My sense is that the committee is in agreement with the minister replying to these specific questions on February 2. We will begin at 10 o'clock with a view to finishing up next Thursday morning. Unless there is some comment from the committee, I will adjourn on vote 2201—

**Mr. Mackenzie:** Just before you leave that, I think we can do it in the morning. I did not make a firm commitment to that, but there is no question we can finish on Thursday. We will just see how it goes in the morning.

**Mr. Chairman:** With that final comment, we will adjourn on vote 2201 of the estimates of the Ministry of Labour.

The committee adjourned at 5:35 p.m.



CONTENTS

Thursday, January 26, 1989

Estimates, Ministry of Labour

Adjournment..... G-453

STANDING COMMITTEE ON GENERAL GOVERNMENT

- Chairman:** Elliot, R. Walter (Halton North L)
- Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)
- Bryden, Marion (Beaches-Woodbine NDP)
- Callahan, Robert V. (Brampton South L)
- Charlton, Brian A. (Hamilton Mountain NDP)
- Cordiano, Joseph (Lawrence L)
- Cureatz, Sam L. (Durham East PC)
- Fleet, David (High Park-Swansea L)
- McLean, Allan K. (Simcoe East PC)
- Ruprecht, Tony (Parkdale L)
- Sola, John (Mississauga East L)

**Substitutions:**  
Mackenzie, Bob (Hamilton East NDP) for Mr. Charlton  
Martel, Shelley (Sudbury East NDP) for Ms. Bryden

**Clerk:** Carrozza, Franco

**Witnesses:**

**From the Ministry of Labour:**  
Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)  
Gladstone, Arthur, Acting Executive Director, Labour Programs  
Millard, Tim J., Assistant Deputy Minister, Occupational Health and Safety Division  
Verheyen, Romain C., Director, Office of Mediation, Industrial Relations Division  
Ignatieff, Nicholas, Acting Director, Policy Branch, Labour Policy and Programs  
Peters, Fred, Executive Director, Finance and Administration Division



No. G-13

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Labour

**First Session, 34th Parliament**  
Thursday, February 2, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, February 2, 1989

The committee met at 10:05 a.m. in room 228.

### ESTIMATES, MINISTRY OF LABOUR (continued)

**Mr. Chairman:** The chair recognizes a quorum, in spite of the fact that the third party is not present. I checked yesterday and they agreed that because of what we determined we would do today we could begin as soon as the minister and Mr. Mackenzie were ready to continue their discussion. The intent, as I read it last day, was that as many as possible of Mr. Mackenzie's questions would be put and answered.

If this takes the morning, we could have the vote at the end of the morning session. If we are not finished, we will reconvene at approximately 3:13 p.m. after routine proceedings and carry on from there. It was the intention of the members of the committee last time, though, that we would attempt to finish so the vote could be held at approximately 12 o'clock.

The other thing I should note at the beginning is that I am required to be one of the speakers in one of the motions in the House this morning, so I will be turning over the chair to the vice-chairman at approximately 11 o'clock. I probably will not be back for the vote, so I have a substitute coming in at that point to cover in my absence. With those preliminary comments, I recognize the minister to carry on from where we left off last day.

**Hon. Mr. Sorbara:** Mr. Chairman, when you leave at 11 o'clock the committee will probably get along just as poorly without you.

What I propose to do is just make a few opening remarks on the issue of pay equity. It is one of the issues which has been raised, not only by Mr. Mackenzie but also by other members. Frankly, I think it is important to speak to the issue of pay equity at least for a few moments, because one of the responsibilities the Minister of Labour has now which he did not have two years ago at this time is responsibility constitutionally for the Pay Equity Commission of Ontario. I will not dwell too long on it. Mr. Mackenzie, Mr. Sola, or you Mr. Chairman, may have some questions, but I do want to say a few things in answer to some of the concerns that were raised.

First, I think the most startling thing to say about the Pay Equity Commission and the

implementation of the Pay Equity Act is how well implementation is proceeding. There is a magnificent degree of co-operation among the workplace parties in implementing what is, I think, increasingly viewed by this province as a very important principle to implement. I do not want to go through too many statistics but just to point to the fact that commission staff have had over 900 speaking engagements for an overall audience of some 20,000 people.

They are right in the middle of mounting six Countdown to Pay Equity conferences. These are being held all over the province. These conferences are being sold out, not simply well subscribed but sold out. Representatives of trade unions, managers, human resource officers, public sector, private sector; all are coming to participate in the discussion and join in the partnership in this province that will see pay equity implemented.

Twenty-two community colleges in Ontario have adopted a 30-hour training course on implementing pay equity. The commission has trained some 100 instructors for these courses. In clear terms, that means the community college system will be making available and is making available pay equity courses within their local communities, particularly to help small employers and smaller workforces understand what pay equity will mean to them.

By the time the large-, medium- and small-sized private sector employers have met their deadlines, pay equity adjustments will have been implemented for an estimated 1.7 million female employees. The issue did arise, when I tabled the Pay Equity Commission's report on predominantly female establishments, about the fact that potentially some 850,000 women in predominantly female establishments would not benefit from the coverage of the act. I think one has to take that figure in context.

### 1010

First, in many of those establishments male comparators, as they are called, will be identified and adjustments will be made. Second, it is important to remember that women who join new businesses will be covered by the act, notwithstanding that they would not have been covered by the act had the businesses existed at the time the legislation was passed. Third, although not

all women in the province will receive wage adjustments in their current jobs directly from the application of payout requirements emerging from a pay equity plan, we are strongly of the view that they will experience the indirect effects through market forces that influence wages and the availability of higher-paying jobs for women. This has clearly been the experience in other jurisdictions which have implemented one variety of pay equity legislation or another.

The final point to acknowledge is that the Pay Equity Act is not the total solution to the issue which we as a society are confronted with. Wage inequities and job ghettos are complex problems that require multifaceted remedies and multifaceted solutions. We are clearly of the view that the Pay Equity Act is not only a part of the solution but a very significant part of the solution and will have a dramatic impact on the way we view our workplaces, particularly appropriate valuation of the work that women do in our workplaces.

Just as we were completing the discussions on the last day Mr. Mackenzie raised a number of points. I propose to deal with those in the order he raised them. To run through the list, they were: issues relating to skills training and upgrading; issues relating to legislation to enhance protection for people in the service sectors who are affected by the practice of contracting out; issues relating to money owing and wage protection; a question on Consolidated Bathurst; a question on tip differentials; a question on a particular fatality; a question on immigrant workers, relating particularly to the employment standards branch and the Employment Standards Act; the Trespass to Property Act; hours of work and overtime; first contract arbitration cases, and in that case the issue was some comparative data.

May I just proceed, with the indulgence of the committee? In doing so, I am going to ask officials within the Ministry of Labour to join us at the committee table to be available to answer specific questions or participate in whatever way is appropriate in the discussion. At this point I am just going to recognize that Nick Ignatieff is here.

On the question of skills training, I begin the discussion by saying that Ontario is planning to and will make a presentation to the de Grandpré Advisory Council on Adjustment. There will be a verbal presentation, as I understand it, on February 9.

I said earlier in these estimates that I consider the issue of labour adjustment to be one of the single most challenging issues that we as a nation face. There are three component parts, as I understand the issue: the first deals primarily

with income support; the second deals in particular with the regulation of the workplace; and the third, linking those two, is the issue of skills training and a variety of adjustment programs that assist workers going from one work context to another.

It is our view that there is insufficient response by the federal government in its understanding of and commitment to labour adjustment. In fact, I think it was telling indeed that in response to the issue of the future of brewery workers in this province the federal government's labour adjustment program was, "Read the want ads." I think that is absolutely inappropriate and callous and must not characterize what we are doing in the area of labour adjustment.

That being said, perhaps I will just ask Mr. Mackenzie whether he has any other specific questions that either I or officials in the ministry can answer.

**Mr. Mackenzie:** I will just let the minister go ahead and cover the items he has raised, and then maybe I will come back in on some of them where I have some specifics.

**Hon. Mr. Sorbara:** Okay. On the question of contracting out and the predicament that some people in some service sectors have been experiencing, I want to tell the committee that the Ontario Federation of Labour raised this issue once again, not only with me but with the Premier (Mr. Peterson) and the Minister of Industry, Trade and Technology (Mr. Kwinter) and the Minister of Colleges and Universities (Mrs. McLeod), in a recent meeting we had with the board of the OFL and once again implored us to proceed with solutions to the problem.

I just want to tell the committee that Vic Pathe is here and may wish to comment, or you may wish to question him on the context in which government is currently studying that issue.

The resolution of the problems faced by workers who find themselves doing the very same work but under a new contract and under new and sometimes reduced benefits coming from their work is of serious concern. We have been looking at a mix of solutions involving the Labour Relations Act, the Employment Standards Act and the Industrial Standards Act, and then paying some concentrated attention to the way in which these issues are dealt with in Quebec under a so-called decree system that is in use in that province. There is no experience with the decree system in any common law jurisdiction that we have found, and I think our investigations have been rather thorough in that area.



I do not want to leave the impression that this is a problem that cannot be solved. We believe that it can be solved. The trick will be to create legislative initiatives that will deal with those people to whom the legislation wants to direct attention without creating different standards and inadvertently affecting different areas of the workplace that are not in need of and are not asking for this sort of enhanced protection.

I think probably Mr. Mackenzie knows better than most people in the room the way in which amendments to the Labour Relations Act to do one thing can have an effect on another area of the workplace unless those initiatives are carefully crafted and—

**Mr. Chairman:** Mr. Mackenzie would like to interject here, I think.

**Mr. Mackenzie:** I do not intend to spend a lot of time on it, but maybe we can start with this one. This is an issue that is not new. It has been around since you formed a government and long before and your people have been aware of it because it has been raised in other sets of estimates. It is an issue that flares up every time 100 or 200 or 300 workers, usually immigrant women, or a large number of them are such, are being cheated—and cheated is the only thing you can call it—because of a new firm taking over the contract. In many cases it is after they have had literally the guts to organize and sometimes get through even a second agreement, although usually not much beyond that in this particular field.

I have not been party to the meetings you have had with the federal people and some of the others who are involved in this particular area but I understand this is an area where workers are certainly of the opinion, unless you can tell me otherwise, that there has been a commitment from this minister to deal with this issue. It is an issue that is years old. It is an issue that was one of the last things I got in a recent briefing with the OFL people: that they had anticipated for a long time some action from you and were seeing nothing in any concrete terms.

1020

That is exactly the impression I have as the Labour critic from my party. It is an area where people do get hurt. Just to repeat myself, it is an area where they feel there was a commitment made. I would like to know if there was a commitment made or not—they can take a look at these Hansards too, since it is a point I was asked to make with you specifically—and when we are going to see something done about it; or are we going to wait until the next two or three episodes

occur in downtown Toronto or somewhere before something happens?

Was there a definite commitment? They certainly feel there was. If there was, when are we going to see something about it? If there was not, then let's clear the air. There are obviously some misunderstandings by some of the players in this game.

**Hon. Mr. Sorbara:** Frankly, I do not think there was any misunderstanding whatever, except for the political advantage that one might want to take out of meetings that were held. I say that because everyone on this committee knows and everyone in the OFL knows, and everyone involved in this issue directly, whether inside or outside of the feds, knows that no minister who has his wits about him makes a commitment to solve a problem that requires determination by a cabinet and an opportunity to present legislation in the Legislature.

My commitment at that time, which continues to be firm, was that I will have ministry officials do further work, take the thing further down the analytical road with consultation on an ongoing basis with the stakeholders most familiar with the problem, and that I will, once we have got to the point of a solution, be taking the matter to cabinet.

I want to tell you that I just never make commitments beyond there. It is not appropriate for me to say that I can solve the problem. I cannot solve the problem. The government solves the problem and the Legislature solves the problem. I am committed to moving that process along and that involves bringing the matter to a full discussion and a full consideration by cabinet. It is ultimately cabinet that decides. The workers know that; and I think in fairness you know that.

It is also important to point out that although one might think the issue is quickly and easily resolvable, our own analysis is that it is a problem in every jurisdiction in Canada and that as yet no government of any persuasion has presented legislation that solves the problem. So the commitment remains and the process will carry on through, but—

**Mr. Mackenzie:** To what, to further analyse it?

**Hon. Mr. Sorbara:** No Bob, with all due respect: to further analyse and then bring the matter forward into the deliberation process of government, and you know what that means. In simple terms, it means creating a cabinet submission and presenting a cabinet submission for the consideration of my colleagues. I do not



make those decisions. I do not set the legislative agenda. I have never been given the authority by cabinet to make precommitments and to prejudice cabinet's obligation and authority to deliberate on all of these matters.

**Mr. Mackenzie:** Is it unfair then to ask you, Minister, when some kind of a suggestion or a program will at least be brought to cabinet?

**Hon. Mr. Sorbara:** Sure, it is fair to ask; and it is fair for me to say that I think and I hope that that will happen within the next three to six months.

**Mr. Mackenzie:** But that will not necessarily be a bill.

**Hon. Mr. Sorbara:** I do not know, Mr. Chairman, how at liberty I am to describe the cabinet process. But in general terms one brings a proposal forward contemplating a bill, and then one brings a bill forward to ensure that the bill reflects the policy determination of cabinet. So yes, cabinet contemplates a piece of legislation. Cabinet submissions refer to legislation that will be brought forward to do thus and such, based on principles that are agreed to in policy deliberations.

**Mr. Mackenzie:** I have no difficulty in understanding your difficulty with any bills we bring in, but it did not take us very long to come up with a bill, which was obviously not what you would want in this area. I cannot see the kind of time frames that you seem to be talking about in an area where the next time it blows up there are going to be a lot more people hurt.

**Hon. Mr. Sorbara:** My sense is if we work within the timetable that I have suggested, what we are likely to end up with is a bill that is truly workable without inadvertently interfering with other parts of labour relations that, as I said at the beginning, we do not want to interfere with. That is not as easy as it might appear. A great deal of study has been given to the bills that have been proposed, particularly by the federation and those within the federation who are working directly on the problem.

Next was the question of money owing and wage protection, and it arose directly in the context of a firm named Max Security. By way of initial response, I want to tell the committee that the employment standards branch has investigated the matter and found that 75 employees are owed a total of some \$70,761 in unpaid wages and vacation pay, including termination pay to 26 employees. Orders to pay covering the employees' entitlements were served on the company on August 18, 1988. The orders remain

unpaid. The company is inoperative and in serious financial difficulty; The ministry is attempting to effect collection of the orders.

Subsequent to the events to which I have just referred, an error was found in the company's payroll records. A second order to pay was issued on November 22, 1988, covering entitlements in excess of \$7,000 to seven employees. The plight of workers at Max Security does raise once again the general question of wage protection, which has already been discussed at estimates.

Just to reiterate the discussion there once again, I think I have made a public statement—not just to the Ontario Federation of Labour—that I will be working on solutions to the issue of wage protection and analysing a variety of options, bringing them forward, as they say in this business, over the next period. I think that we can solve those problems with effective crafting of legislation. Ultimately, cabinet will decide.

**Mr. Mackenzie:** I am aware, except for the second order for the additional \$7,000, of the points you have made. At the risk of sounding like a bit of a broken record, just to underline this issue once again, I do not know how long this issue has been raised in this House but I have been raising it since 1976, the matter of the lack of protection for workers in the event of closures, bankruptcies, takeovers, you name it. It is an issue on which I think I catalogued some of the previous minister's statements earlier on in the estimates, how we have been waiting for some action that protects workers.

Let me just raise, once again, three issues with you. First, in terms of the Max Security deal, I have not done a corporate study on this but my understanding is that the firm was owned by the Tunney brothers, of some wrestling renown. The Tunney brothers can operate pretty expansively to this day, certainly put on some tremendous wrestling promotions, and there is no indication whatsoever that they are suffering financially in any way, shape or form. I say that without hesitation, even though a couple of my friends who know them asked me why I would raise this with these people. I do not know whether there was an inference there that maybe they play rough or whether there was not.

All I am asking is how long are we going to have an outfit like this that sets up a small company like Max Security—and God knows how many others they may have; I know there are other examples of this happening—and then is able to run away from it with this kind of money owing to workers and not suffer one bit. They are

probably laughing all the way to the bank, as a matter of fact, as a result of it.

**1030**

It seems to me that we have some kind of a responsibility to see that the money owing goes back to the source from the people who created the problem in the first place. I do not know why that is impossible for a government, with all its resources, to do. I do not know why the people who created the situation, who are responsible for it and have left these people who do not have the money themselves holding the bag, cannot be held accountable for that money which is owing.

My second point is that I really had hoped that you would make some reference to this latest delay that the Consolidated-Bathurst workers have gone through to get their money, because I think it is just unconscionable that the court delays have happened in that case.

My third point—I said I had three points, so I will make it brief. I do not think you responded to this, but it is one of the points I made, and I am sure it is a point that has been made to you by the OFL as well. It is the proverbial you cannot get blood out of a stone. You cannot take money from a company that has already been drained or has been stolen blind or whatever the case may be. We are going to have to take a look at some kind of an insurance approach.

That is a position that was not originally the position in the labour movement but something they are coming to in terms of protection of workers' earnings. I am just wondering if you have taken a look at that as part of the approach. Once again, are we looking at asking the same questions of you next year or are we likely to see some action on this in the reasonable future?

**Hon. Mr. Sorbara:** I hope it will be in the reasonable future. I just want to tell you quite candidly I was reviewing some of the documentation and analysis on this very subject just the other day. Yes, the proposed options include the creation of a fund.

There is a simple reason for that. For those on the committee who may not understand the difficulties in this situation, the benefit of a fund is that you have resources that you can immediately pay out to those who have wage claims owing and wage claims that should have been paid by the company. The operators of the fund, subrogated as they would be, to the interests of the workers, can use the time afterward to replenish the fund through whatever action is necessary, either in a bankruptcy or an insolvency action before a receiver.

I do not know the history of the various positions of the labour movement on it. I have read Don Brown's analysis. I reiterate that we are taking some steps beyond where Don Brown was and that clearly a fund is one of the options that is alive and well in our analysis.

**Mr. Mackenzie:** This is just for the record, because I think I have worked closer with these people than any other group in my community in terms of workers. I know you know it but I want it on the record rather than my statement. I think this very brief piece that appeared in the *Hamilton Spectator* of November 28, 1988, is useful:

"Former blue-collar workers at Consolidated-Bathurst are growing more frustrated by the never-ending delays in receiving the compensation promised them by the Ontario Labour Relations Board.

"The former members of Local 269 of the International Woodworkers of America have been fighting for their extra severance money since the Cavell Avenue plant closed five and a half years ago.

"The 177 union members of the corrugated cardboard box plant charged Consolidated-Bathurst with bargaining in bad faith by announcing the plant's closure within two days of signing the union's final contract." As you know, it was never raised during the negotiations.

"In March 1984, the labour board ruled the company must pay the men \$325,000—about \$3,000 for the most senior workers down to about \$500—a considerable reduction from the \$7 million the union requested.

"But still the men wait.

"Consolidated-Bathurst is appealing an internal procedure used by the labour board in making its decision—a procedure the board has been using for 30 years.

"The appeal was to go the Supreme Court of Canada on December 12, but illness among the chief justices has forced another delay, postponing the hearing until late winter or early spring.

"Rudy Oliverio, president of the local, says his members are angered by the latest delay.

"‘This just opened up wounds again,’ he said. ‘The workers have suffered enough. The big thing is to get it resolved and out of the way so we can get on with our lives.’

"Former employee Bill Yates said the company actually won the original case by only having to pay \$325,000, but is now deliberately making the men suffer by refusing to pay even that.

"‘Is it degrading to them to say that they have lost to a working man?’



"Most of the men had been at Consolidated-Bathurst for close to 30 years, and about 65 haven't worked since the plant closed"—the point I have been making all along.

"In the past five and a half years, seven of the former Consolidated-Bathurst workers have died, Mr. Yates said.

"How many more will be six feet under before it is resolved?"

I think it tells the story of some anger I know is there and some that I have felt for some long time in this particular case. I just do not know how you treat people like this. There have been suicides in that group of people who worked at that plant. We have documented those cases. We have a lot who have died. How many more will be gone before they ever see the money that they legitimately won and have now waited five and a half years for? There is just something wrong with the system.

**Hon. Mr. Sorbara:** I can understand why Mr. Mackenzie raises this matter in estimates. He has obviously followed it very closely. There is no doubt that when individuals are pursuing a claim and they find themselves in a legal process approaching five and six years, the degree of frustration becomes intolerable in many instances. On the other hand, I think he knows and would acknowledge for this committee that the lowly Minister of Labour in Ontario does not set the court docket for the Supreme Court of Canada and never will.

I have no idea of details of the scheduling. I understand that the court was originally to have heard the matter on December 12. It was apparently unable to constitute a panel to hear the case at that time. I recall indeed reports that their lordships were getting somewhat ornery up there because there was not a full panel. Now we have, as we read in the press, two new justices of the Supreme Court of Canada, and perhaps this matter will be heard earlier rather than later. For the life of me, I have no idea what I could do.

**Mr. Mackenzie:** There are a lot of other ramifications. These workers were clearly upset at the bad-faith bargaining. I think maybe that was the time we should have come down a little harder. I am not sure.

They were upset at the sale to MacMillan Bloedel of the container division of Connie-Bath, and probably rightly so, although that may not enter into the direct case because now we have seen Connie-Bath, which was—what?—our second-biggest woodworker outfit, sold to Chicago owners. You begin to wonder whether we will ever have any control or ability to meet what

is a legal requirement on behalf of those workers.

**Hon. Mr. Sorbara:** I am not sure that very much more can be said on that. We may want to move now to the issue of tip differentials. The question, as I understand it, was how much longer the government is going to allow discrimination against workers in receipt of tips. To set out the details of the regulations and the differentials, I will ask Nick Ignatieff to put some figures on the record. That may inspire some questions or discussion among committee members.

**Mr. Ignatieff:** There are about 30,000 employees who work in the Ontario service sector who are eligible to receive a special minimum for liquor-serving employees. That is about 16 per cent of all the employees who work in the service sector today. The current special minimum is \$4.25 an hour. This has been increased somewhat relative to where it was when it was introduced in 1976. It used to be about 80 per cent of the minimum wage. It is now close to 90 per cent, 89.5 per cent.

Ontario and Quebec are the two provinces that maintain a special minimum for tip-earning employees. In Quebec, the current rate is somewhat less than ours: \$4.03 an hour. In Quebec also, the special minimum applies to all employees who earn income from tips, which is more or less the entire tourist and restaurant industry, whereas in Ontario it is limited to those who serve liquor.

#### 1040

The question of special minimum wage rates is one that we are in the process of reviewing as part of our employment standards review. It is a long-standing and difficult issue. Employers in the service sector contend they operate on narrow margins and that the tipped income for those who serve liquor is dramatically in excess of the minimum wage.

On the other hand, the exemption from the minimum wage is of concern to workers. Whether all workers who potentially could receive tipped income do in fact receive significant tipped income is always an issue. Obtaining information about tipped income is extremely difficult for policy analysts since it tends not to be terribly visible.

We are looking at it, and that is about all I can say at the moment.

**Mr. Mackenzie:** If I can once again use an example, I mentioned the chap's name. There are people who will know and may or may not appreciate—I certainly appreciated his efforts



before retirement. I am talking about Julius Troll, who spent an awful lot of time with the hotel and restaurant waiters. He sent me, in one of his periodic missives, some information just recently. Included was the article "Waiters Fight Proposed 'Tariff' on Tips."

"Up to 30 waiters at Oliver's Bakery Restaurant on Yonge St. are threatening to hang up their aprons, saying their boss is trying to slice off some of their tips."

"Waiters say the owner, Peter Oliver, is asking for 0.75 per cent of their sales."

"The new tipping policy, which was to take effect Monday, requires night work waiters to turn over 0.75 per cent of their sales to 'the house'—whether they pick up a tip or not."

It goes on to say the number of restaurants that this particular person owns. I am not zeroing in on him alone, because it is happening in a number of industries. But I think there are just two paragraphs out of Julius's letter which really show that people have not forgotten the issue. It is addressed to me. It says:

"Having read the latest episode of the tavern and hotel employees problems in the Toronto Star, November 24, 1988, with the heading 'Waiters Fight Proposed "Tariff" on Tips' brought me down to the union office of the Hotel Employees and Restaurant Employees International Union Local 280 for a question period with business agent Jim Jackson re the above-mentioned news report....

"I was concerned of where I went wrong as a waiter for 40 years, never received, heard or dreamt of people making the type of money....

"We discussed the lengthy time we of Local 280 spent with MPPs, boards" and so on.. Discussing this raises 1976 once again and the questions raised in the House by MPP Iain Angus, one of my colleagues from Fort William at the time. There were a number of comments. I will not go into them all, but I think he raises a very valid point.

Just to give you one more paragraph:

"In yesterday's Star edition, an old idea again has hit the print with an Alliston five-member jury has recommended to the liquor board of Ontario should establish strict guidelines that would make training courses a condition of a bar's liquor licence.

"Not a mention was made that in order to bring this about the pay scale should be adjusted to bring about some stability in the industry," which the present wage at 50 cents below regular scale would not do.

He goes on to make some comments about the number of times he has raised the issue, the long-standing fight over this issue. It would appear to me, from Mr. Ignatieff's few comments, that we are not anywhere closer to really dealing with whether or not there should be that kind of differential and who really owns that tip money.

**Hon. Mr. Sorbara:** I am not sure that one could answer, in all cases, who owns the tip. That would be the subject of the particular employment contract, or in the absence of a written employment contract an oral contract of employment between the server and the owner of the establishment.

In the absence of any oral contract, the standard within the industry, although I have not examined the law on it, probably would suggest that the tip is income in the hands of the employee; but that is not to say that in any particular establishment an employment contract could or could not set out a different arrangement.

In fact, I had a little bit of experience in that industry many years ago. I know from that limited experience that there was an arrangement, not involving the house but involving others within the workforce, the busboys as they were called then—I am not sure what the nonsexist term is; we had better research that—and others who did not directly take the money off the table or deduct it from the charge slip. There was an agreement in that establishment as to how much who would get.

I think you are right. There are no immediate solutions within the ministry; nor are we convinced, frankly, that this is something that needs to be resolved by way of legislation.

**Mr. Mackenzie:** You are leaving it wide open for the owners of some of these establishments if you allow them to decide on the partitioning of tips, to use them to really reinforce or subsidize the wages they pay to other workers. You leave it wide open for cases I have brought before this House—it is a few years since I have raised these particular cases—where a large percentage of the tips was held, had to be turned in and a percentage of them went to the house, or the owner or the maitre d' in the place.

I am not at all sure it is good policy to leave that the way it is, because once again it leaves it wide open for exploitation and subsidizing an employer in terms of wages. I think the minister is wrong, but obviously, from your answer, you have no intention of moving in this area.

**Hon. Mr. Sorbara:** I am not sure the majority of the workers in the industry would agree with you; it may well be that on this one we just have to agree to disagree.

**Mr. Mackenzie:** I understand that as well. I make it very clear that as far as I am concerned the tip money belongs to the waiter involved. I have never hidden that position. I have said that at union meetings and at meetings where we have dealt with these workers. They say you are really just subsidizing the owner by permitting his participation.

Before we leave this, I said I had one letter. It is not a formal letter. I think it may have come to all of us as members. I do not want to open up the minimum wage again, but it was something I had wanted to put on the record in the first session and I did not.

It from is a student. It is entitled "Students employed at the Hamilton Psychiatric Hospital." I know who wrote it after checking with some of them employed at the Hamilton Psychiatric Hospital. I guess this is to reinforce the arguments I made in previous sessions that we should be doing more than we are doing on wages, given Thomson and all the rest of it. It reads as follows:

"In my admittedly biased opinion, I think students' wages should be increased to help young men and women through the demanding financial requirements of our educational system.

"Although one greatly benefits from this learning experience, regrettably it is economically unfeasible to return next year. The amount made by a student during the summer would only cover approximately one half the cost of one school year.

"One may argue OSAP is available, but I don't feel that working in this institution and taking a government loan in the fall, is comparatively acceptable for doing the same work as full-time employees.

"I'm not saying we should have the same wages as permanent staff, for granted they should have more, but I feel our government should adjust our wages to be comparative to the work we do—and competitive with the private sector.

"Unfortunately, students are forced to make a choice between work experience, and being financially burdened or a financial burden on parents or government."

I had to do some digging, but following that I had a talk with some of the students who are working pretty doggone hard and doing the same

job as the regular employees. They are employed as students in a very difficult occupation. When they sit down and verify for you that they are going to work the full summer in that institution and still not have half the cost of their schooling for the next year, it makes you once again realize that there are more than a few problems in terms of the minimum wage we pay in this province.

I think that went to all members, but it struck me at the time and prompted me to follow up on it a bit. I just wanted it on the record.

**Hon. Mr. Sorbara:** The member should probably raise that issue again if he is participating in the estimates of the Ministry of Skills Development. I suspect from what is said in that letter that the student is participating in the summer Experience program of the Ministry of Skills Development, a ministry I had some experience with for two two years and a little while. The summer Experience programs offer students the opportunity to work in a wide variety of government industries and agencies of government, including such things as Old Fort William and a variety of health care facilities, including the one Mr. Mackenzie referred to.

**1050**

Students do work in those programs, in those ministries, in those agencies, in order not only to earn an income but also to get specific experience in an area of interest. The wages in the summer Experience program are set at the minimum wage. Whatever the minimum wage is, that is what the student gets during the program. It generally lasts the entire summer. Many of us, certainly many of the officials from the Ministry of Labour, know about students who have worked in the Ministry of Labour.

What is interesting right now is that the market rate for students during the summer is well beyond the minimum wage, and at the same time the interest in participating in these programs is very high. They were designed not only to provide work and income but also to be an experience somewhat different from what a student might get if he were just in the private labour market and looking for a summer job to earn as much as possible.

In other words, although they are lower than what your son or my daughter could get if they were looking to make as much money as possible during the summer, still students are saying, "I want to do that job in that ministry because I am interested in it."

**Mr. Mackenzie:** You are telling me that his interest in the training should outweigh the additional financial burden that will—



**Hon. Mr. Sorbara:** I am saying that those programs, as I remember them and as we were crafting and refining them in the Ministry of Skills Development, were summer employment programs but they were also summer Experience programs. As the market rate a student could get for working in construction, gardening, the hotel industry or whatever went up and our rate stayed at the minimum wage, there was not a falling off in the applications. Students were still interested in these programs.

I visited a number of them. Admittedly, the ministry picks the ones it is proudest of, but by and large there was a great deal of satisfaction with the experience. That is not to avoid the question of what the appropriate minimum wage should be in Ontario. That is another issue entirely and I think we did have a good, vibrant discussion on that earlier in the estimates. I appreciate that Mr. Mackenzie puts that letter on the record. It goes to show that not every single student in the summer Experience program is absolutely delighted with the rates that are paid there.

**Mr. Mackenzie:** That goes without saying.

**Hon. Mr. Sorbara:** Might we move on to the next item? This is a matter within the occupational health and safety division of the ministry. Martin Baikie died as a result of an explosion and fire at the Petrocan refinery in Oakville on October 3, 1987. I emphasize the words "Petrocan refinery," because this is an issue where the corporate veil, if you like, has led to a situation where a prosecution that would otherwise have taken place has been determined to be a nullity by the court.

Mr. Mackenzie is familiar with this issue but perhaps some of the other members of the committee are not, so I will review it as quickly as I can. The construction health and safety branch, through legal services, initiated a prosecution against Petro-Canada Inc. as the constructor and against Catalytic Maintenance Inc. as the employer in conjunction with and arising from that fatality. On May 3, 1988, Catalytic Maintenance Inc. pleaded guilty and a fine was levied. Charges against Petro-Canada Inc. were withdrawn on September 19, 1988, when His Honour Judge W. S. Sharpe of the provincial court ruled that the information before him was a nullity because it charged a nonexistent corporation and could not be amended.

Until January 1, 1987, Petro-Canada Products Inc. was the name of the corporation that operated the refinery. That company amalgamated with another company to form Petro-Canada

Inc. effective January 1, 1987. The corporate name Petro-Canada Products Inc. was given and used by legal services on the information instead of Petro-Canada Inc. No one checked with Martin Baikie as to whether he felt comfortable with the amalgamation. Indeed, for Martin Baikie, nothing in his world changed except that he was the victim of an explosion on April 3, 1987.

I want to point out that Tim Millard of occupational health and safety is here. I am not sure whether Mr. Mackenzie has other further comments or questions on that issue.

**Mr. Mackenzie:** I guess you covered the bare bones of it. There is no question the company was at fault. As lawyers who sat through the hearings have indicated, it would normally have purged its own lines, which was not done. Those who know anything of the story know it was a particularly horrible way to die, engulfed in a ball of flame from inflammable material from the pipes that were a number of feet away from where the men were working on the platform. And Martin Baikie's last words—sometimes it is almost macabre, but his mother remembers them well, as reported to her by the one survivor, who was badly burned in that particular fire. She also remembers well her husband's request—he died shortly after—to see that Martin got justice in this case. I do not think, so far, there has been justice.

I read with interest a letter from some lawyers that Martin's mother just turned over to me. It is to the local union, "Re: Martin Baikie." I want to read it into the record.

"This will confirm our telephone conversation of October 4, 1988 with respect to the fact that charges under the Occupational Health and Safety Act have been dismissed against Petro-Canada.

"It would appear from the newspaper clippings which you have forwarded to me that the Ministry of Labour laid charges under the Occupational Health and Safety Act against Petro-Canada Products Inc. when the charge should have been laid against Petro-Canada Inc., which was the employer of Mr. Baikie at the time of his death. The charges were accordingly dismissed as having been laid against a nonexistent company. In my view, this was proper and the court really had no alternative but to dismiss these charges. Even though the companies were obviously related, an offence committed by one entity cannot be charged against another entity.

"The question now arises as to whether the Ministry of Labour can lay new charges against the proper company Petro-Canada Inc. Under the



Occupational Health and Safety Act, charges must be laid within one year of the date of the incident. Once this year passes it is not possible for anyone, including the Ministry of Labour, to lay charges with respect to the incident in question. It would appear from the facts as I know them that the Ministry of Labour did not find out they had charged the wrong party until several months after the lapse of the one-year period. Accordingly, they would not now be able to lay new charges against the proper company because the time for doing so has passed.

"As I indicated to you during our conversation, these charges would have no financial effect upon the estate. When a company is charged and convicted under the Occupational Health and Safety Act, any fine which is levied against the company is payable to the crown and does not go to the worker or his family or estate. The purpose of charges under the Occupational Health and Safety Act is to punish companies that violate the legislation and the fine is in the nature of a penalty to deter further violations rather than to reimburse parties who may have suffered from the violation that has already taken place. I can understand that the conviction of Petro-Canada would have undoubtedly provided considerable comfort to the family but as I have stated there would be no financial benefit to them.

"In summary, while it is unfortunate that the Ministry of Labour laid the charges against the wrong company, there would appear to be nothing that can be done at this time to rectify this situation. The time for laying new charges has passed long ago and an appeal of the judge's ruling would not be successful in my view even if the Ministry of Labour were prepared to launch that appeal, which apparently they are not prepared to do.

"I hope this is of some assistance to you in explaining the situation to others who have expressed their concern."

The reason I lay that out and read it in its entirety is that to begin with, the year was darn near up before the ministry decided to move and lay the charges. The charges were laid against the wrong company. Do we not do any kind of title search in a situation like this? Somebody goofed totally in this case. A guy died a particularly horrible death and his mother, who has kept this alive—I compliment her for it—has never been after the money or the settlement. That has never been the issue from day one, as has been made very clear to everybody involved.

How can a major company like this get away with being responsible? There is no doubt in the minds of most people who were at the hearings and the inquest that the company was responsible for what happened if there had not been purging of the lines before they were trying to unconnect these pipes in that refinery. We lay charges against the wrong company and then they were thrown out. That is when I really started pushing. I had been pushing for charges long before that, as the minister may know if he goes back over the phone calls to the ministry.

Then I was finally told by the minister, who himself I think understands just how bad this looks—what has happened here—that he was going to proceed and see what he could do in terms of charges. I do not know whether this letter is since I got what I thought was a commitment from you or not. It may be that you cannot be successful, I do not know, but there has to be some angle in a case as obvious as this one. I do not know whether this letter now indicates that what I thought was a commitment from the minister that he was going to find a way to deal with this is now also defunct. I guess that is specifically the question I am asking.

**Hon. Mr. Sorbara:** Just to clarify this for a moment, who is the author of that letter?

**Mr. Mackenzie:** The author of that letter is Ahee and Associates, Barristers and Solicitors, Donald W. Wilson. Obviously, it is a legal firm giving an opinion to the union.

**Hon. Mr. Sorbara:** Although I have not talked with officials on this issue for quite some time, my understanding is that the laying of new charges would not be appropriate because of the time limitations under the Occupational Health and Safety Act. The issue that has not been determined yet is whether or not there is any likelihood of success in an appeal of the decision of His Honour Judge Sharpe declaring the information was a nullity because of the incorrect identification of the corporate defendant.

I asked ministry officials within the legal department to advise me on that matter and I have not yet received that advice. I cannot answer specifically, but my understanding is that if there is an avenue open it would be by way of an appeal of that decision.

It raises an interesting issue, probably more of interest for lawyers than politicians. Once again, not to go back to wage protection directly, the suggestion when we were talking about this was that there was a lot of money in the wrestling business, but the problem was that under the corporate veil, there was not very much money in

Max Security and that is why these workers were out of pocket.

Here we are talking about, let's remember, legal fictions. Companies are legal fictions. They are created; they are construct and exist on paper. Nothing changed for Martin Baikie when one company dissolved and another company came into being. A lot of money changed hands, mostly among lawyers. A lot of paper was photocopied, and at the end of the deal several closing books were put together in lawyers' offices. Anyone who wants to study issues relating to the piercing of the corporate veil in a variety of different circumstances will undertake an interesting analysis of law, legal history and jurisprudence.

**Mr. Callahan:** Salamon and Salamon.

**Hon. Mr. Sorbara:** I think that is the seminal case, is it not?

I do not have a solution. You are right that a mistake was made in the laying of the information. I want to tell you that this mistake having been made, new procedures have been put in place in the Ministry of Labour to ensure that where a corporation is being charged there is a further search done to ensure the corporation is the right corporation and does exist at the time the information is laid.

**Mr. Mackenzie:** Just to wind this up, it is no more than I really expected. I phoned Mrs. Baikie after I talked to you, when you said you were going to look for an avenue to appeal this or whatever the procedure was. I did not give her any particular hope. I simply told her what the minister had told me.

I can tell you right now that either we find some way to deal with a company that through real negligence just literally incinerated a man on the spot or please tell us—tell me, tell Mrs. Baickie—very quickly that you are not going to proceed any further with it, because that is causing some real concern on her part.

I thought I had a commitment from you. I understand the difficulty of it. That is what I have told her. If that is not going to be honoured, then give us the correct answer.

**Hon. Mr. Sorbara:** Let me undertake to get back directly to Mr. Mackenzie on that question within a couple of weeks.

The next item related to the employment standards branch and the situation for immigrant workers. I am going to invite Penny Dutton to join us at the table—I think I am, anyway. Well, I am going to invite her into the room first, and then if she gets into the room I will invite her to the table.

**Mr. Mackenzie:** There are a couple of other issues you could deal with, if you would like to, at the same time. One of them was the overtime issue that I raised.

**Hon. Mr. Sorbara:** Okay, why do we not do that?

**Mr. Mackenzie:** I think it comes under her area.

**Hon. Mr. Sorbara:** That is right. That was number 10 on my list, and the other issue—

**Mr. Mackenzie:** You can stick to your list if you want. I just thought if we were having her here—

**Hon. Mr. Sorbara:** Yes, I think we should, that is fine. I will now introduce Penny Dutton, who is the director of employment standards within the Ministry of Labour. The discussion, for purposes of convenience, is going to be twofold: first, the question of accommodating the special needs of immigrant workers for information and enforcement services under the act; second, the question of hours of work and overtime, particularly as it relates to an establishment that Mr. Mackenzie is very familiar with, and that is Stelco Hilton works.

Without my going on too much longer, I will ask Penny to tell the committee some of the things that are going on in the Ministry of Labour to ensure that individuals in this society understand what their rights and obligations are in workplaces.

**Ms. Dutton:** I should say that this is a matter of some serious concern to the employment standards branch as a delivery agency and as well to the ministry in general, and as a topic of some interest we are trying to look more closely at what we are doing.

In terms of what is done now, publications, particularly the Newcomers Guide to Services in Ontario, which is published by the Ministry of Citizenship, has a very extensive section on employment standards that we provide most of the text for. That is a multilanguage reference piece.

Immigrant workers are also advised of the branch telephone inquiry service through the guide, and we do have some multilanguage capacity in our intake service there. Our existing branch staff has the capacity to respond to inquiries in a number of minority languages and we are trying in our recruitment that is under way for turnover vacancies to increase this facility.

Most of our job advertisements have also been circulated via Welcome House, Ontario's citizenship house, to a number of community



agency groups. We are optimistic that through this method we will be able to get capable, qualified employment standards officers and, hopefully, increase our ability to serve in a multilanguage sense.

I think the other thing I would mention that is of particular interest that has taken place over the past year is certain involvement with the Chinese community, both through University Settlement House and the Ontario Chinese Restaurant Association, an initiative to inform employees in the Chinatown area of their rights. This was done under the auspices of the Ontario Chinese Restaurant Association through a seminar at which the Minister of Labour spoke; in brochures published in Cantonese, where again we have provided text; and then a biweekly community clinic at University Settlement House that one of our Cantonese-fluent officers participates in.

In addition to that there are the general brochures and booklets that are available in French and English. Roughly 250,000 of those are distributed a year. I think that more should be done and is being done to look at some multilanguage translation in key areas. I know that is a priority for the minister. That would about sum it up, I think.

1110

**Hon. Mr. Sorbara:** I would just make one other point on this question of ensuring that people know what their rights are and how the workplace is regulated in the province. It is something that is certainly of special interest to me, not that I have any particular solutions. I think there are interesting things happening in the employment standards branch now and in the communications branch of the ministry as we investigate how we can do that more effectively.

Corporate communications has not been a high priority in the Ministry of Labour traditionally. I do not want to underestimate the problem, however, not that it is a problem unique to the Ministry of Labour. All of us are in a society characterized by high speed, powerful telecommunications and other sorts of communications. We are being bombarded with messages from a gazillion different sources all day long. Some cruel person is going to try to figure out a way to bombard us with messages when we are asleep.

We are competing out there in a world which is just filled with messages from all over the place. I think we have to think about it in that context and understand the complicated world of communications. We have to investigate the use of modern technologies. We have to consider whether or not we want to produce videos and buy television

time. I do not know. There are so many sources and languages to communicate in and so many things to communicate.

I think we have made a good start. I think we are going to be doing more in that area as we enhance our commitment to make sure that there are rights in the workplace and that the people in the workplace understand those rights.

**Mr. Mackenzie:** I have no difficulty about harnessing new technology, any shortcuts or any better means of reaching more people. I guess it is just right down at the case level that I am concerned with. I am a little bit handicapped in the one case I had wanted to raise. That is one that was incorporated in a letter or memo from Consuelo Rubio in which, I think I said last time, she was very complimentary to the handling of the case once they found how to go about it.

She did also raise, in the memo that I got, the question of whether or not there were enough employment standards officers that could deal with the problems of some of the new immigrants and the language problems that were there as well. They were a little more sceptical or a little slower because they did not understand the procedures to act upon. There can be a useful role for the new technology that you are talking about, but I am really wondering just what the case is in terms of employment standards officers. We know there have been some delays in recent months. So where we do stand in terms of cases and the availability of employment standards officers? Maybe Ms. Dutton could give us a bit of an update on that.

**Ms. Dutton:** As I mentioned, first of all I have met with Consuelo Rubio as part of the meeting with the Parkdale Community Legal Services. I know her work with the Centre for Spanish Speaking Peoples. We have tried to iron out some misunderstandings in terms of branch procedures and operations. We have had some good meetings in that sense.

In terms of recruitment of officers, we are recruiting now for turnover vacancies, primarily in our downtown field functions, headquartered out of 123 Edward Street. As I mentioned, we have taken a deliberate initiative in the posting of those vacancies, which are open vacancies, to send them to community groups where we may be able to increase our pool of qualified employment standards officers capable of functioning in minority languages.

The recruitment process is just under way. I think we have just received the applications and they are currently being called through. I have no idea yet whether sending it out through that



routing has been successful, but I know that it is something we have had to try and wanted to try. I have some optimism there.

In the general sense of service delivery, the nature of an intake function such as employment standards, as Mr. Mackenzie knows, is that we are always operating with a degree of backlog, although our turnaround times are still, on the average nuts-and-bolts file, within three months on an officer turnaround.

There is some regional variation in that. The Mississauga area continues to be a very heavily pressured area. Ottawa has become an extremely pressured area, with the growth in provincial jurisdiction enterprises there and shutdowns on some of them. We have been looking at how you deal with servicing with those pressures, trying to offload on to phones and to process more smoothly some of our basic nuts-and-bolts cases.

I will doublecheck the statistics, which I do not have in front of me right now, but we are not encountering abnormal pressures in the downtown Toronto area.

**Mr. Mackenzie:** Where do we stand? I did not look at the figures in terms of the numbers of employment standards officers now as against a year ago. Have we more or have we less? What are the numbers?

**Ms. Dutton:** It is the lovely difference between sort of designated positions versus warm, active and trained bodies that are actually there. We are standing at approximately 100 field service officers. These are our basic employment standards auditors one and two, who are the nuts and bolts of the delivery operation. That is in terms of designated positions; we are under that right now. I am sorry, Mr. Mackenzie, I do not have the exact figures in front of me. We have had a number of turnover vacancies that we are in the process of recruiting primarily in our Toronto-centred area. We would be under that.

Of course, we have been trying to do something about that, but over the past year in particular amendments to the act have meant a certain pressure on us in terms of upgrading knowledge and staff training. When we are hiring new employees who comes to us off of the street or from other employment, they are undergoing a five-week initial intake training program. There is a lapse of time between hiring and full productivity.

**Mr. Mackenzie:** I take it we have not had to do any particular planning for the new Sunday shopping legislation.

**Hon. Mr. Sorbara:** Thousands and thousands of new employment standards officers.

**Mr. Mackenzie:** You are not likely to need many employment standards officers then.

**Hon. Mr. Sorbara:** There is a great debate on that. Maybe we could move directly into—

**Mr. Mackenzie:** Can we deal with the overtime for a minute?

**Hon. Mr. Sorbara:** Yes, I think you should.

**Mr. Mackenzie:** Maybe we can talk about your order issued yesterday at Stelco and what, if anything, it amounts to.

**Hon. Mr. Sorbara:** Let me just turn it back over to Penny Dutton then to advise the committee of what order was made and, in addition, to provide a little bit of the history of the order.

**Ms. Dutton:** I will start with the immediate situation and then go back a bit and put it into some context, because I think the context is very important. As Mr. Mackenzie knows, the hours-of-work area is difficult, complex and often very contentious.

Yesterday, February 1, 1989, the Attorney General (Mr. Scott), through our ministry legal services and upon the recommendation of the employment standards branch, laid charges against Stelco for violations of the hours-of-work provisions of the Employment Standards Act during 1988. Additionally, five employees have been named on the informations with violations of hours-of-work provisions. That is the immediate fact situation with respect to Stelco.

I think I would like to take some time and put it into a bit of context. The hours-of-work area is complex. There are often misunderstandings among very sophisticated and certainly some unsophisticated employers and employees as to what is in and what is out. Do break periods count for purposes of the hours calculations in the act? The answer is no, they do not. Which category of employee is a 60-hour category? Does a ross-crane operator fit into a maintenance category?

So, some of the things in the act that, when you skim the act, seem to be pretty straightforward, in fact are not and there is often a lot of misunderstanding.

## 1120

When we deal with an hours-of-work situation, the first step of the branch is to make sure that there are no misunderstandings, that the provisions are clearly laid out and that the tack that the branch takes in enforcing them is known, so that the parties know how we will operate.

When I came here, I guess a little over a year ago when we were last at estimates in December, the Stelco issues had come up at that time and a

letter had been sent from the then president of Local 1005 to the Minister of Labour. There were certain allegations about what the branch was or was not doing. When I went and looked into it, I would characterize it by saying there were misunderstandings on all sides. That was unfortunate and it was also deleterious to the conduct of our enforcement under the act.

The first thing that we put in place over a year ago was to make sure that the parties—Local 1005, the employees and particularly Stelco—through the Hilton works knew what was happening, where our positions were, what we were going to do next.

The second step in the Stelco file, which is also a step we have been undertaking in most of the hours-of-work area now—we do not have a remedy for recovery, such as an order to pay. Within the context of the act, hours-of-work violations are nonmonetary violations. So how do you follow up on what are nonmonetary violations? One of the things we have discovered to be fairly effective is a scheduled thorough-return audit.

This was put in place with Stelco and has been put in place in a number of other files as well. We have found that it is a fairly effective tool for getting employers to clean up their act and for employees then to operate in knowledge of the provisions of the Employment Standards Act on hours of work, which, as I indicated, a lot of people are either ignorant of or confused about.

Going back to the premise of clear understandings, the third step, if we are looking at this as a sort of step procedure, is that where violations have occurred, what we will do is issue a written warning of violations, so that our track record be known. Such a written warning was issued to Stelco Hilton works in 1988. Prior to that, that particular company had not been in possession of a written warning from the branch.

Subsequent to that, we also posted a notice, which is again a technique we are using and have used in some other situations. That notice is required to be posted in the workplace and it informs employees as well as the company of the provisions of the Employment Standards Act, including the right to refuse and the sanctions that may occur.

When all of those steps have been taken and there are still violations, the branch is faced with the situation that the sanction in the Employment Standards Act for violations in this area, as in other areas, is prosecution. It is not a step that we undertake lightly. It is also not a step, as most of the members of the committee know, that we

undertake on our own initiative, as it is in fact the Attorney General through legal services that undertakes it. It is a step where there are what we would consider knowing violations and a track record, and it is within that context that the informations were sworn yesterday.

**Hon. Mr. Sorbara:** Before Mr. Mackenzie's questions, might I emphasize and underline one thing? For the purposes of politicians getting across a message simply and straightforwardly to the public, the question of hours of work, particularly relating to Stelco Hilton works, has been simplified greatly: Why does this not happen? When is that going to happen?

Part of what you hear from Penny Dutton and the point I want to underscore is the complexity of the issue. When you are dealing with a workforce of some 8,000 employees with a wide variety of different occupations and records of work which are not always absolutely accurate—whose records are absolutely accurate?—you start to get a sense of the analytical work that has been done over the past year. It has resulted now in the laying of informations after that work.

I just wanted to make that point once again, because this is really complex stuff when you are dealing with a large, sophisticated workplace like Stelco.

**Mr. Mackenzie:** What could be added to that is that none of us, certainly myself or my colleagues, are under any illusion as to the kind of pressures that can be put on by a company like Stelco as well and their calls for flexibility. They sometimes leave the feeling that, "If we don't get our way, there may be some problems in terms of the number of jobs here in the operation of this plant." I myself have had a few lunches with some of the Stelco people where the flexibility angle has been stressed, so we are all aware of that.

My concern and I think the concern of the local union people—and it is not an easy position, because there are employees, as there are in every plant, who would work every hour they are given, but there are an awful lot of implications to it as well—is that this problem has been ongoing for a long time at Stelco. A number of letters, as I am sure Ms. Dutton knows, have gone back and forth between the local. I have had copies of some and some on my own and some I know which have gone to you people which I have not seen.

There has been some frustration over the time it has taken and sometimes the narrowness that the union thought was used in looking at specific areas. We now have charges. I gather there were



about 1,000 violations found. I have some difficulty with the charges against the five employees. I have not seen what has happened here, unless it was to try and blunt some of the pressure from the union itself in terms of raising this particular issue.

They do not make the decisions basically. They may agree to work but the decisions are made by the company. One of the things being documented right now, which has been quite obvious, is that workers being asked to work more than 12 hours over 48 have raised in some cases with their foreman the fact that this is an excessive number of hours, although they are not unwilling to work them. They have been told, "Where it is more than 12 over the 48, we will just consider it an emergency." That has been actively promoted by company foremen and is an obvious intent to get around the intent of the legislation, and that is a fairly active practice at Stelco.

I take a look at some of the figures given to me by the local union, and this came about after the charges yesterday. We had documented, and I do not know whether they were part of the charges, 560 hours of overtime in 1987. I think that was one of the cases raised. It may have been one of the cases I raised a year ago in the estimates—I am not sure—without putting any name to it. It was 769 hours of overtime in 1988.

Certainly this ministry was aware of the original hours a year ago and to find that increasing by 200 hours of overtime really makes you wonder. A recent pay slip brought to my attention last night showed 67 hours of overtime in an 80-hour pay period. Others were being collected for my benefit, but just one raised with me last night certainly raises serious questions as to the kind of enforcement we are doing and what is happening here.

1130

This is a difficult issue and I acknowledge it. The union has gone so far as to recommend at a local union meeting—they got it through—that the overtime permits be revoked because of this kind of misuse of them. I am simply saying that it is long past time that we had the charges laid in this case. I think there is a lot of work still to be done in that particular case.

I have some serious questions about the charging of the employees as well in this situation, particularly when I know, and we are now documenting cases, that the excuse they are given by their foreman to work the extra hours is, "We'll automatically consider it an emergency,"

which of course is one of the ways of getting around this.

I am saying there are still games being played in terms of the overtime hours at Stelco. I would like to hear some good rationalization for including the charges against the five employees.

**Hon. Mr. Sorbara:** Given that informations have now been laid, it would be inappropriate for me to make any comment whatever on the charges and background behind the charges.

To respond to the other points Mr. Mackenzie made, I think he acknowledges that this is very complex. With charges laid there will not be an instant total compliance with the legislation, but we hope the work we have done at Stelco in enforcing the Employment Standards Act will change the dynamic in this workplace and send a signal out in a deterrent context to other employers.

I want to re-emphasize the extent to which the resources of the employment standards branch have been dedicated to dealing with the issues which have been raised before us and the problems of violation under that statute.

**Mr. Mackenzie:** I stressed those points simply to make clear the reasons for my concern: Unless the figures I have been given are totally wrong, we have a jump from 560 to 769 hours of overtime in one case; we have foremen suggesting that the way to get around any problem is, "It's considered an emergency if we have to work these extra number of hours"; the number of violations that were there, and we have pay slips within the last couple of periods that show 67 hours of overtime in an 80-hour pay-slip period. These do raise serious questions in my mind. As I also said, I think the charging of the employees is the wrong way to go about it.

**Hon. Mr. Sorbara:** Perhaps the committee will agree now to move to two other areas which were raised. For that purpose, may I, with your indulgence, Mr. Chairman, ask Vic Pathe to take the oranges out of his pocket, wipe the smile off his face and join us at the table along with Rome Verheyen, both from the mediation and arbitration division of the ministry.

We are going to be responding to a couple of areas, one only very generally. Questions were raised with respect to the Trespass to Property Act. More to the point, Mr. Mackenzie had asked for some comparative data relating to first-contract arbitration cases. We might want to spend a minute or two wrapping up any other industrial relations matters that might arise. Perhaps I could ask Rome Verheyen to present



the committee with some comparative data, first, on first-contract arbitration cases.

**Mr. Verheyen:** To start with, I have to apologize. We went to our computer and that figure I gave you last time of 1,060 agreements settled in direct mediation and conciliation and negotiations was an inaccurate figure. I will give you the new figures; I have been assured that the computer is now working properly and that these figures are correct.

We are talking about first agreements only related to and under the jurisdiction of the Ontario Labour Relations Act. For the period of January 1, 1984, through April 1986, we had a total of 965 bargaining situations. During that period, we had a total of settlements of 953, which includes the arbitrations under HLDA, the Hospital Labour Disputes Arbitration Act. There was a total of 78 work stoppages. The total person-days lost during that period was 261,790 days. The situations where a union walked away without an agreement, for whatever the reason, were seven, and there are five cases where we do not have any follow-up and there is no record available at the present time because the parties did not advise us.

If you look at the following period, from May 1986 through December 1988, we had a total of 947 bargaining situations. Out of these, 943 were settled, including the first-agreement arbitration. You will see the work stoppages slightly increased to 89 over the 30-month period. Then we have the eight that had been referred to and have been settled by private arbitration or by the board.

The interesting thing here, and those are the points that I would like to draw to your attention, is that the total of person-days lost was drastically reduced from 261,000 to practically half: to 131,000 person-days lost. The situations where the union walked away without an agreement have been reduced from seven to three, and we have one more where we do not have any record available.

As a preliminary analysis, I think that we can still come to the conclusion that the first-agreement arbitration process seemed to assist the parties. Although the number of strikes seemed to be the same, we have to come to the conclusion that the strikes seemed to be shorter. They may have been money strikes rather than strikes on principle or to get a first collective agreement to go within the parties. Those are some of our conclusions.

**Mr. Mackenzie:** Is there any interpretation of it other than that? Certainly the days lost is an

important figure, but other than that it does not really tell us whether the exercise has been that useful or not. I must confess that my impression was that the very fact that the pressure was there was useful, but there is nothing here that would necessarily verify that.

**Mr. Pathe:** If I may comment, I am a little bit surprised at the number of stoppages because during the period of a few years leading up to May 1986, there were, at almost any given time, eight to 10 first-agreement strikes on our strike list in any week. Since May, it seems to me that they have been down to four or five so that anyway there must have been—the numbers do not support that.

But I think an important figure is that, in addition to the almost 50 per cent reduction in the person-days lost, of 947 certifications, in only three cases did the union walk away without an agreement. I would think that would compare very favourably to any jurisdiction in North America, if not in the free world. It is a remarkably high figure.

**Mr. Mackenzie:** Certainly if it has defused the issue a bit, that in itself is worth something and I acknowledge that, Minister. But I must confess that I am a little surprised—

**Mr. Pathe:** At the number of strikes. But there are, you know, basic disagreements in first-agreement negotiations over money and benefits and hours of work. Those are the kinds of disputes which we are getting now. They are what mediators would call healthy collective bargaining disputes, as opposed to the kinds of disputes we were experiencing prior to May 1986, which in a number of cases were really recognition strikes.

**Mr. Verheyen:** Just to go into a little bit of detail, which may help Mr. Mackenzie: In the period from May 1986 through to December 31, 1986, we had 30 work stoppages. The following year, 1987, we had a total of 36, which was reduced in 1988 down to 23. Now whether that indicates a trend I really do not know at this stage, but it seems to be on the way down.

**Hon. Mr. Sorbara:** Might I ask Vic Pathe—oh, I am sorry.

**Mr. Mackenzie:** You were going to respond on the trespass issue that I raised.

**Hon. Mr. Sorbara:** Yes. I was going to ask Vic Pathe to make a couple of comments on it. My comments will be limited. Obviously the Ministry of Labour is not responsible for that act or amendments that are currently before the House, but there are labour relations issues and

implications, as Mr. Mackenzie points out. I understand, if I recall the history, that part of the impetus for the bill had to do with picketing in some place or other, in some private mall or other.

1140

**Mr. Pathe:** As I recall, I thought the purpose of the bill had to do with a nonlabour situation. I must confess, Minister and Mr. Chairman, I have only learned of the bill this morning. I am told that our legal people who have been looking at it are of the view that it serves to help the union organizing situation. I come from a union that organized retail workers, so I have personally experienced the request to leave a shopping mall or be charged with trespassing.

**Mr. Mackenzie:** That is our concern. As I take it, you are aware of the concern I raised and whether this ministry had made any representations to the ministry handling that bill. I guess we were in committee with it or something.

**Hon. Mr. Sorbara:** I should probably respond to that. I have followed the progress of this bill from the conceptual stage in terms of cabinet submissions right through to the presentation of the bill. I have been satisfied at every stage that it would be responsive and appropriate and be able to deal with the kinds of ejection notices that someone might otherwise get.

As I understand it, Bill 149 preserves the exemption from prosecution of persons acting under a right or authority conferred by law, which would include, of course, union organizers or representatives.

**Mr. Pathe:** In the Eaton case, where the retail wholesale union applied for a court order granting access to the mall premises, the Ontario Labour Relations Board awarded access, much as it would under section 11 of the Labour Relations Act, which permits a union to apply for access to a camp, where workers are resident in a camp.

The board has been, I think, sympathetic to matters of access, in terms of organizers getting to meet with the employees they are seeking to organize.

**Hon. Mr. Sorbara:** Yes, and the Trespass to Property Act simply acknowledges that for some purposes the pathway down the centre of a mall is analogous to the main street in a bygone era. I think that is probably the right thing to do.

**Mr. Mackenzie:** I trust that you are right, Minister, and we may have to wait for our first experiences in this particular case, but I acknowledge your comments, that you, in following it

through cabinet and what not, have no fears that it will have the effect that some union people are concerned with.

**Hon. Mr. Sorbara:** There probably will be some litigation arising and the courts will better interpret the appropriate sections for us, but I think it does go a way to reflecting the new reality of the way in which we live. We used to walk down Main Street and go to the soda shop, and now we walk down the centre of a mall and go to the soda shop.

**Mr. Mackenzie:** It is more than that. It is the recreation place for many of our seniors, Minister.

**Hon. Mr. Sorbara:** That as well; that is right.

**Mr. Mackenzie:** Do you have something else that you want to raise, or can we deal with a couple of other minor labour dispute questions right here?

**Hon. Mr. Sorbara:** Could we have a quick response from Tim Millard on polychlorinated biphenyl exposure? My notes say "Individual cases at Westinghouse." I think we could do that rather quickly and then go to you with the indulgence of the chairman for final matters.

**Mr. Mackenzie:** If you want to stay with this for the time being, there are some other health and safety questions, a handful of them.

**Hon. Mr. Sorbara:** We are at your disposal.

**Mr. Millard:** During the last session of estimates, Mr. Mackenzie asked whether individuals at Westinghouse—which is now, I think, Transelectrix Technology Inc. of Hamilton—had been a part of a study that centred on PCB exposures of employees at Ferranti-Packard. The quick answer is no. No individuals from Transelectrix were a part of that study.

Since August 1986, there has been in place and has been established a medical surveillance program for PCB exposures. PCBs are not presently used in that plant, but PCBs do linger where they were once present. The plant joint health and safety committee is aware of the PCB determinations for those individuals who choose to participate; it is a voluntary program, where the worker can choose to participate.

Some 89 people have participated in that medical surveillance program, which includes an annual medical exam, medical history, blood tests for haematology, liver function, etc., and most particularly for PCB levels. Five of those were found to be above the action level of 30 parts per billion. I stress that is not a health action level, but that is an action level where we request more measures be taken at the plant or at the



workplace, including further cleaning and hygiene techniques.

**Mr. Ruprecht:** At what point is it dangerous? At what point is it a health risk? What is the number for that?

**Mr. Millard:** The International Agency for Research on Cancer, known as IARC, has classified it as a 2a. That means there is evidence of carcinogenicity in animals, but there is insufficient evidence to determine carcinogenicity in humans. There is no level established at which health effects can be predicted for PCBs. That is why we have chosen to use the very low level of 30 parts per billion as an action level.

You may know that dermatitis, for instance, results from PCB exposures of the skin. Certainly, there is concern about liver malfunction and there is concern with respect to cancer. The human health effects have not been documented to the point where anyone, at this point, has said, "This is a reliable health effects level." We have taken a very low level of 30 parts per billion as an action level and we continue to work with that.

**Mr. Ruprecht:** A number of years ago, the city of Toronto, if I understood this correctly, had it to about 50 parts per billion. Is this correct? Does it still have it at that level or is it the same as yours?

**Mr. Millard:** I cannot tell you that, Mr. Ruprecht. I would be happy to get that information for you. I am not aware Toronto had a different level, but I would be happy to do that.

**Mr. Ruprecht:** Thank you.

**Mr. Mackenzie:** May I ask another question, minister? There is a growing concern among some of the health and safety professionals that in the case of both PCBs and the aluminum issue that has surfaced in some of the automobile plants, it may be a combination of that and some of the solvents that are in those occupations that is really the crux of the problem, where it is difficult to set the standards in some of these areas.

I am wondering if there is any study or research going on into either PCBs or aluminum dust in combination with the solvents that are in the workplace as to whether one adds to the problems of the other, or may really be the problem in the first place.

**Mr. Millard:** Unfortunately, I cannot comment on research that may be taking place elsewhere with respect to the cumulative effects of solvents and PCBs. With respect to research we are able to carry out, and health effects documentation in particular resulting from expo-

sure, let me say that at the present time we are not doing that kind of a study based on multiple variables. We are trying to confine our scarce resources to trying to determine health effects of single substances in the first instance, and then subsequent to that, if there remains concern, looking at combinations of variables; for instance, PCBs in concert with solvents. But we are not doing that research at the present time.

As I indicated, the Industrial Disease Standards Panel has just completed a major treatise on PCBs and we are hoping to do further study, in addition to existing work that is being done on aluminum through research granted by our ministry, and will in fact do further study on aircraft workers exposed to aluminum. That will be through the auspices of two well-known researchers whom I mentioned in the last session.

1150

**Mr. Mackenzie:** I was not raising that as a criticism. I was raising it as a question that is being increasingly raised because of the difficulty, particularly in terms of aluminum dust, in getting hard information and factual studies. There is a growing suspicion held by some fairly knowledgeable people that the problem is really one of a combination of that and the solvents in some of these workplaces, that being the critical issue. I just raise it as to whether or not it is something we should be starting to take a look at, although I know we have to deal with the individual substances as we go along.

**Hon. Mr. Sorbara:** At this point, we may want to have final arguments, as they say, or deal with any other matters. They say "final arguments" in court.

**Mr. Mackenzie:** I did not make the commitment last week that we would finish at noon. I said it might be a possibility. It will take probably another hour for what I have. There is no question that we will take the vote today, and probably well before six, but I think we are going to need to come back for a short while. I do not know whether you want to try one more topic. As a matter of fact, I have a meeting with the Ontario Federation of Labour that I have to attend at 12:30 p.m., so I am going to have to leave right at 12 noon.

**Hon. Mr. Sorbara:** We are at the mercy of the committee.

**The Vice-Chairman:** We are in your hands, Mr. Mackenzie. It is your time at this point.

**Mr. Mackenzie:** There is one point I would like to raise because it concerns me. It is a letter to the minister from Norm Carriere of my union,



the United Steelworkers of America. It is a recent letter, January 18, which raises some question over the workplace hazardous materials information system legislation. If I can put it on the record, I think it would be useful before we get a response.

"On June 29, 1987, your government passed Bill 79, amendments to the Occupational Health and Safety Act. As with the federal WHMIS legislation, Bill 79 would only come into force on October 31, 1988, over 16 months after it was passed.

"One of the reasons for the long delay was to give suppliers and employers sufficient time to make the necessary adjustments to comply with the new law, such as proper labelling, proper MSDS, training programs, etc.

"After the bill came into force our union surveyed 150 of our local unions to find out just how many companies would comply with the new amendments to the act. Our survey showed that only about one third of the companies had complied with the full requirements of the act, while one third had partially complied and the rest had not complied at all.

"The results of our survey support our union's position that companies are allowed to violate the Occupational Health and Safety Act and regulations without fear of prosecution by your ministry and that the poor enforcement policy of your ministry is a major cause of the high rate of industrial accidents and industrial diseases in this province.

"Surely 16 months' advance notice is sufficient time for companies to prepare themselves for new occupational health and safety laws. Companies who have elected to do absolutely nothing to comply are, in our opinion, deliberately breaking the law because of your ministry's enforcement policies.

"I enclose the list of names and addresses of companies who have not complied with any of the amendments in Bill 79 by October 30, 1988. I request that you have your inspectors visit these locations as soon as possible and if they find that any of the companies have continued to disregard the new amendments, that they be ordered to comply immediately and prosecuted for their flagrant violations of the act.

"Thanking you in advance for giving this matter your immediate attention."

It is signed by Norm Carriere, who, as the minister knows, is the co-ordinator of health and safety for the United Steelworkers union.

It goes on to list a substantial number of companies, many in Toronto but right around the

province, many of them smaller ones, some of them reasonably substantial operations. The minister has a list of the many companies that have done absolutely nothing to comply with the WHMIS legislation and I would like some response to that letter.

**Hon. Mr. Sorbara:** Let me begin by saying that we have a variety of mechanisms for enforcement, including Norm Carriere who helps us out greatly in these matters, bringing to our attention those companies which in his view have not complied. It is interesting how information comes to the attention of the ministry from a wide variety of sources.

In responding, I want to say a word or two about Bill 208, which is not only about enhancing training in the areas of occupational health and safety, but also speaks to enforcement issues.

There is no easy, magic solution to enforcement. There are some things we know for sure; that is, if we multiply times 100 the number of inspectors we have, that will not necessarily give us better levels of compliance and ensure better health and safety in the workplaces of Ontario. Indeed, it could have the effect of reducing or impairing health and safety. The message might come out that nobody has to do anything in the workplace any more because the inspectors are going to look after it all.

Nevertheless, enforcement is there. We are developing and enhancing mechanisms to enforce, putting more authority in the hands of joint health and safety committees to get more information to do their work more effectively, raising 20-fold the fines that are to be levied in instances where the act is violated, and requiring corporations to have written health and safety policies.

One of the things that does is to bring health and safety to the attention of the board of directors of the corporation at its meetings. That is one of the things we want to do as we pursue enforcement, and we are doing a number of other things. In fact, we are calling upon members of joint health and safety committees who have special training in health and safety to help us enforce. We cannot have inspectors in every workplace all the time, so one of the things we are going to do is provide people with the knowledge and skills they need to stand in the shoes of the inspector when the inspector cannot be there. That is about enforcement as well.

Policing is one aspect of enforcement. Someone asked me early on in my tenure as minister what I thought about policing and that part of the

enforcement of the act. I said you have to have the right proportion. If you have too little, the recipe for enforcement and compliance does not work, and if you have too much, it does not work, for different reasons.

No one has a magic solution to what the exact or right ingredient is but I will tell you something: I think we are making dramatic strides in this ministry in enforcing health and safety in this province, through a variety of mechanisms including the joint process. It is one of the reasons we got ourselves to the position where we could present Bill 208, that we have done so well over the past little while.

I have spoken too long, Mr. Chairman.

**Mr. Mackenzie:** Just to finalize this, and put one question on it, this is not the only union or representative, although Norm may do a better job than some, who has raised the issue of noncompliance with the WHMIS legislation with me. They have had 16 months. You have a list of almost 50 companies here. I did not read them into the record. I could have.

When you look at them, some of them are in the chemical field and some are companies that very obviously could have complied. I guess what I would like to know is, since you have had this letter, how many of these 50 have now been targeted and which ones? Can you tell us whether or not you are moving? They have had 15 or 16 months. They have done absolutely nothing, according to our investigations. As I say, some of them are companies that very well should have been complying with the legislation.

**The Vice-Chairman:** It now being 12 of the clock, does the minister have a quick answer?

**Hon. Mr. Sorbara:** I obviously cannot answer that now. We do not have those data available. We will look for that. We will see to the letter.

I will just ask Mr. Mackenzie what topics he proposes to deal with this afternoon so I can advise officials within the ministry, so that those who need not be here—I know they cannot resist the entertainment but they may have other things to do.

**Mr. Mackenzie:** I have a couple of questions with regard to a couple of long-standing labour disputes and the length of time—hospital workers in arbitration; a couple of questions about the Metropolitan Toronto Housing Authority maintenance employees; a question about the medical laboratory; a question about the Clancy news release on the Ontario Public Service Employees Union negotiations for government employees; a question, including part of one I raised in the House with the minister, about the inspections of construction sites—safety and health. I have one question about a situation at Continental Can and the Ron Landry case. Those are the ones I have left. I think, going by what happened this morning, there is probably an hour or an hour and a half at most.

**The Vice-Chairman:** Thank you. The committee will adjourn until 3:30 p.m. or immediately following routine proceedings.

The committee recessed at 12 noon.

## AFTERNOON SITTING

The committee resumed at 3:25 p.m. in room 228.

ESTIMATES, MINISTRY OF LABOUR  
(continued)

**Mr. Chairman:** The chairman recognizes a quorum.

**Hon. Mr. Sorbara:** For the record, my understanding is that the matters raised by our good friend Norm Carriere, one of the outstanding promoters of health and safety, not only within the United Steelworkers of America but nationally known, and probably with somewhat of a reputation in the United States of America as well, noting duly that it is an international union—Bob White probably will change that one of these days—

**Mr. Mackenzie:** You will also note that of all of the questions we have asked and what answers we get, the minister recognizes the importance of responding to such a person.

**Hon. Mr. Sorbara:** To be direct on the question, the matters have been investigated. We always appreciate hearing from Mr. Carriere and my understanding is that a reply is being prepared and that the occupational health and safety branch of the ministry is investigating appropriately.

**Mr. Mackenzie:** I wonder if the minister has any further answer on the question I raised in the House and the memo I referred to and just what is going on in terms of—

**Hon. Mr. Sorbara:** Construction health and safety?

**Mr. Mackenzie:** That is correct.

**Hon. Mr. Sorbara:** I will not take too long on this. I always hesitate to comment on leaked memos. Suffice it to say that a further memo was sent out by the director of the construction health and safety branch clarifying what was in the first memo, and that all inspections and all of the necessary things that go on in administering construction health and safety are being done. The memo really referred to some of the auxiliary activities that are part and parcel of construction health and safety.

**Mr. Mackenzie:** The unfortunate part of that, as you know, even accepting your answer totally, is that it is an area where we have had a lot of accidents and injuries and fatalities, an area where there are not necessarily mandatory health

and safety committees. It certainly does not indicate a good signal when that kind of a memo gets out to some of the practitioners in the field.

**Hon. Mr. Sorbara:** I appreciate your point. I just do not want to alarm construction workers in the province needlessly that we are in any way abandoning our inspection responsibility. That is carrying on. In a world of scarce resources, there was some trimming of activities that were perceived to be not absolutely essential during the final quarter of this fiscal year.

I note that Mr. Mackenzie refers to an area of activity in the province that is not currently covered under that part of the Occupational Health and Safety Act requiring joint health and safety committees. Frankly, when Bill 208 is passed that will change, and I think that is one of the really important provisions in Bill 208. It is going to be a different dynamic.

**Mr. Mackenzie:** Well, it is—

**Hon. Mr. Sorbara:** Note by the way, just to cut you off a little bit, that because of the unique nature of construction sites, we have included trade subcommittees so that we can ensure we have a constant and appropriate flow of information from the various trades into the committee itself; a stroke of genius, I would say modestly.

**Mr. Mackenzie:** As I have already told the minister, it will take some time before the new act will be in place and that does not augur well either. It is not the only letter you have had, I know, that raises the whole question, but I was intrigued with a letter that went to you back in September from Fred Sutherland. He is a former Stelco employee in Hamilton who made the comment, and I will not read the whole letter, but in the second paragraph of his letter to you he said:

"In the copy of the newspaper report of the Ottawa Citizen of September 1st, Jim Smith, a Labour Ministry spokesman, is reported as saying that provincial inspectors DO NOT MAKE ROUTINE CHECKS OF CONSTRUCTION SITES (capital letters for emphasis are mine). Does this lack of routine inspections mean there are not enough inspectors employed by the Labour ministry?"

It is a question he asked you. I do not know what your response was to it, but as I say it is not the only one. There are a number of other queries I have had on this situation that raise some



question about the inspections of construction sites.

1530

**Hon. Mr. Sorbara:** The question of what is routine probably could fill up the balance of the time we have available here. Let me point out that in comparison with the previous fiscal year, in this fiscal year inspections in the construction area have increased by 23 per cent and orders issued are up 82 per cent.

That is really good news and bad news. We are being more vigilant, and when we are more vigilant we would like to find that there have been no violations, but in fact the number of orders issued has increased by some 82 per cent and indeed stop-work orders have been increased by some 82 per cent. As well, prosecutions increased by 55 per cent and fines have increased by 118 per cent.

**Mr. Mackenzie:** Also in the health and safety end of things, I wonder if you could tell me if charges are currently being assessed or are proceeding in the Continental Can case and the exposure Ron Landry suffered in that plant. I seem to be missing the paragraph I wanted to bring to your attention, but I know you are aware of the case.

**Hon. Mr. Sorbara:** That is a question I cannot answer right now, but perhaps I will undertake to provide an appropriate answer in writing within a reasonable amount of time, say, a year or two—I mean a month or two; I mean a week or two.

**Mr. Mackenzie:** If it is a year or two you will hear about it in the House. I think it is a legitimate question, because having gone through the entire file on that case there are some serious questions in my mind that the foreman clearly did not identify what the workers were working with and one of them clearly suffered a severe illness as a result of it.

I wonder if you have any comments on the current problem—it was raised in the House by others today as well—with the Metropolitan Toronto Housing Authority workers?

**Hon. Mr. Sorbara:** No. I wish I had something further to add to the debate that went on during question period. I see my colleague the member for Lawrence (Mr. Cordiano) here and he was raising that issue as well. I know you are concerned about it, Mr. Mackenzie.

One of the questions that arises is whether we are talking here about matters relating to occupational health and safety, whether we are talking about matters that are appropriately

resolved internally within the MTHA or whether we are talking about matters that are appropriately resolved in consultation with the Solicitor General (Mrs. Smith) and her responsibilities for policing.

I do not know enough about the situation—I do not know more than I have read in the press—but I know that Tim Millard, the assistant deputy minister for occupational health and safety does, and he might want to expand on the topic.

**Mr. Millard:** Very briefly, I was in touch with my staff between this morning's session and this afternoon's session. Our staff met with both the Canadian Union of Public Employees and the employer this morning. As has been the case in the past, when criminal activity is involved and criminal activity is responsible for endangering workers, section 23 of our Occupational Health and Safety Act, which allows a person to refuse unsafe work, is not applicable because it is not part of the work environment.

None the less, the employer does have responsibilities under the general duty-of-care clause, clause 14(2)(g). We have pursued that with the employer. We are meeting this afternoon with the 22 workers. I think that meeting is ongoing at this time. It looks like resolution is imminent and it looks like that resolution will include some increased security and some use of a buddy system.

I emphasize this is a criminal activity; this is not a work condition. The Occupational Health and Safety Act is not generally equipped to deal with criminal activity and certainly does not anticipate that. Our staff are there meeting with both the employer—the housing authority—and the employees and it looks like satisfactory resolution will come about.

**Mr. Mackenzie:** To deal with it very briefly, minister, the problem is in the housing units themselves—the criminal activities, the dealing in drugs and so on. That is what is creating the problem. The difficulty in dealing with the workers themselves is that they achieved a change in the colour of their jackets in the course of talks so that they did not look identical to some of the security people who are now in the area. Some of them were being threatened or assaulted because of the fact they could not necessarily be distinguished from the security people.

I had difficulty with some of their requests to me. I have met with them three times over the last week and a half. I am not sure I want to see that people have to be issued bullet-proof vests or have armed security guards with them, which were some of their suggestions. I understand

where they are coming from. They are coming from very real concerns because of the amount of the activity in the housing projects, and that is legitimate. Working in pairs, I think, while this is going on or until you resolve the other problems is a legitimate request, but they were having great difficulty getting management to even begin to consider it.

It seems to me you should move on one or two of these things rather quickly rather than let them drag out until you have to resort to extremes. I am not going to tell them they are not entitled to the other things they have asked for, but I sure as hell would not want to push those as priorities. The answer really does lie in solving the problems in the unit, as they say.

I do not think we can say that because there are criminal activities there is not a relationship here because there is. They are raising these questions because they are seriously concerned about the assaults and the threat of assaults and their proximity to some of the dealing that is going on. I do not have a total answer for it, but I think it is something we better not let slide through the cracks by saying it is strictly a criminal activity. There is a health and safety connection.

**Hon. Mr. Sorbara:** I think your point is well taken and I am glad to hear that you have met with them on a number of occasions. I do not want to create the misimpression that we have occupied the territory as a result of the meetings this afternoon. I reiterate that there may be occupational safety aspects to the concern, and I point out, although I did not know it before Mr. Millard started speaking, that I think the ministry has responded fairly quickly.

Perhaps our intervention can be part of the solution, although you are right, of course, that the real solution lies in something very different, in some dynamic or other that will change the reality for some of the people living in that area, though certainly not all. I think we ought to be very clear whenever we talk about this. I really regret that whenever a subject like this comes up we are too quick to refer to an area and talk about the drug dealing or the crime or whatever is in it and sort of paint with one brush everyone who lives within the vicinity. There is an issue there relating to some criminal activity involving some individuals. Let's not paint everyone with that brush.

**Mr. Mackenzie:** The only other point that I think is worth being made on it is that, once again, what concerns me is that the situation was reaching a bit of a flashpoint in terms of the workers wanting some drastic action before

something happens. The minister is aware that they have been raising this, had raised the issue of working in pairs and wearing vests weeks ago. They had been getting nowhere with it. They have staged a work-to-rule campaign that is probably not perfectly legal.

They came down here to demonstrate. I do not know if your ministry was there, but I was outside with them the day they were down here demonstrating, just four or five days ago. Of course, the latest incident up there had them all, in effect, close to a walkout; just going to the lunchroom and that is it until they get some action.

The point I am making is that the concerns they had have been on the table for some time. If we are now seriously having talks that may resolve it, fine. A question we have asked a lot of times is, why does it have to get to the point of job-related action before we get serious talks going, when the problem has been very clear for some time?

**Mr. Cordiano:** In your discussions with the workers, have they brought up the suggestion of not enough police surveillance or coverage of the area? Is that one of the considerations that was brought to your attention?

1540

**Mr. Millard:** A number of concerns have been expressed by the workers. We have been meeting with the workers going back at least to October 1988. We have rendered the same ruling this time as we rendered at that time, that section 23 does not apply with respect to right to refuse, but we did at the same time indicate that the employer does have a responsibility and that there was need for the employers and the workers to work together to try to resolve those concerns.

At this time I am happy as well that our advisory service, which advises on jointness of activity by joint health and safety committees with the employer and the workers, has been invited by the employer and the employees to provide that assistance; so that will take place as well, Mr. Mackenzie.

Certainly, concerns were expressed by the workers with respect to further security, further policing. A number of concerns have been expressed. Our suggesting that section 23 of the Occupational Health and Safety Act does not apply in these circumstances does not belittle or denigrate the concern of the workers at all. It is a legitimate concern for their safety. The question is how that can adequately be responded to. I think the police, very much so, are trying to



respond to it adequately, as are we within the occupational health and safety division.

I might point out that we have been working with these people for some considerable time and have rendered the same advice and the same decision this time that we have in the past with respect to the applicability of the act.

**Mr. Cordiano:** I have one final comment I would like to make. I agree with the minister that we should not paint with one brush any of these localities where there are Metro Toronto Housing Authority buildings.

Most of what is taking place comes as a result of people who come from outside the residences themselves and who enter the buildings in one way or another and cause those kinds of problems. I am sure that was expressed by the workers, I spoke to many of them over the last period of time as well and that was one of the things they made mention of, the fact that most of the people who caused most of the problems, the drug dealers, etc., came from outside those buildings and did not actually live there.

**Mr. Mackenzie:** I wonder if we can have a brief comment, if it is possible, if anybody has any information, on the length of time it is taking for the workers in the hospitals in Hamilton to have their case dealt with. I guess that involves all but the McMaster division of Chedoke-McMaster, who have been waiting—I said nine and a half months but I guess it is closer to seven or eight months now—for the arbitration decision to come down.

The point the workers make, and I think it is a valid one, is that their contract expired in either October or November 1987 and they have now been waiting a good many months for an arbitration decision. What it also means for hospitals in one of the acute areas of care is that they have not had an increase since October 1986. For workers in this category, as far as I am concerned, the last increment they saw was almost three years ago. It is totally uncalled for in this particular field. They are considered essential workers. If they are considered essential workers, why is the system set up in such a way that they wait almost three years before they see their next increase?

**Mr. Chairman:** Mr. Pathe and Mr. Verheyen have come to the witness stand to help answer this question.

**Hon. Mr. Sorbara:** As a preface, I should point out, because I know you will want to know this, that in the hospital sector where workers are represented by trade unions, under the Hospital Labour Disputes Arbitration Act—HLDA, as

we refer to it around the ministry—workers are not permitted to strike. As a result of that, where there is not a collective agreement agreed to as a result of collective bargaining the act requires and provides for arbitration.

There are instances, many of them, where free collective bargaining results in a collective agreement being signed. There are instances that go to arbitration. What Mr. Mackenzie is referring to is a couple of situations where free collective bargaining did not result in an agreement and the matter has gone to arbitration. I ask either Vic Pathe or Rome Verheyen to see if we can shed more light on Mr. Mackenzie's concern.

**Mr. Mackenzie:** And if in doing it they could remember the underlining I did: If we are going to consider these people provide essential services and they do not have the right to strike as a result, darn it all there is something wrong with the system if it breaks down and they have to wait that kind of time once they have gone the arbitration route.

**Mr. Pathe:** There are four groups in the hospital sector which bargain centrally, that is the unions involved agree with a group of hospitals that they will consolidate bargaining and bargain together and go to one arbitration.

The Ontario Nurses' Association is one, and its agreement was set to expire in March 1988. For the first time since 1975, it negotiated an agreement and ratified before the expiration date. Another group is the Ontario Public Service Employees Union. They likewise negotiated a settlement with the hospitals involved, and that was ratified at about the time the agreement expired. The other two unions, the Service Employees' International Union and the Canadian Union of Public Employees, were unable to reach agreement with their participating hospitals.

I was not able to get precise dates, because the building is not operating at 400 University Avenue today, but to the best of my knowledge both the service employees' union and CUPE went to arbitration. There were separate arbitrations and they were heard in June and July of 1988. The service employees' award came down in mid-January, just two or three weeks ago, but the award for the CUPE hospitals is still not down.

What typically takes place in these things is that following the completion of the hearings, what are called executive sessions are held between the chairman of the board of arbitration and the two side persons and they meet on



numerous occasions in an effort to come to a consensus on what the award should be. I understand that has been going on. I have not spoken to Mr. Stanley, the chairman in this particular case. Assuming we can get our office back operating tomorrow, we will make contact and see what is going on.

Just to deal with Mr. Mackenzie's point about essential workers, we have been involved for some months now in discussions with the hospital management people and with all of the unions affected by that act. We have been in consultations with regard to amendments. There was at one time, back in the early 1980s, a consensus in the industry that there ought to be some time limits in the statute.

Our recent consultations and the briefs we have received from unions and management indicate that there is no longer a consensus on time limits. The only place there appears to be some measure of agreement that there ought to be a time limit is for this precise period, this period between the last day of hearing and the issuance of the award. But there are many delays that take place before they even get to arbitration, and in those time frames it is really under the control of the parties. There is nothing, for example, to prevent the union or the management people from having and enforcing a policy of saying, "We're either going to be off to arbitration or we're going to have a negotiated settlement by the expiration date."

That does not often happen. A lot of negotiating goes on, not always fruitfully, but also there is a fair amount of waiting that goes on, particularly between service employees and CUPE groups. One waits to see what the other is going to do, because they are concerned that one union might make a settlement that would be upstaged by the other one.

**1550**

The only answer would be some form of time limits. It seems to me it would be difficult to require time limits on arbitrators and leave the parties to state whatever time they needed in the period leading up to the arbitration. Those are the kinds of things that we are now wrestling with, in the hope that we can meet with the minister in the not-too-distant future and talk about a package of amendments that hopefully would be designed to make the process work better.

**Mr. Mackenzie:** I am wondering, Minister, if we can raise for one minute the question, for the umpteenth time, of Canadian Medical Labs. If there is a group of workers which has really been taken to the cleaners, is it this particular group of

workers. As far as I am concerned, it is a continuation of management's efforts and desire, which was evident from the very beginning, to see that the union did not continue to operate.

The minister may or may not agree with that, but I have become absolutely convinced, having gone through some of the previous battles and walked with those people on their line, that that is exactly what is going on. They are a very decent and very qualified group of employees in that place. I sometimes wonder why they would want to stay, given all that has happened, but there is also a determination that they not be just kicked out.

They have been out for an awfully long time now. It seems to me that we are going to have to take a look at contract legislation, if there really is a case. Somebody who does not succeed the first time around can get rid of them the second time around, and I am convinced that is exactly what Mull and Starr are trying to do.

**Hon. Mr. Sorbara:** You have raised the issue before. I have had an opportunity to have some informal discussions with some of the workers in that union when they visited Queen's Park. Obviously, officials within the ministry are monitoring that situation very closely because it is, as you say, one of those situations which has gone on a very long time and has meant that a lot of workers have been without a contract and without work for quite some time.

I do not want to say too much more about the specifics of the case in view of the fact that my understanding is that they are meeting once again in mediation within the next week. I look to that mediation process. Whatever we, that is the ministry, can bring to it, we will try once again to resolve the issues that remain in dispute.

**Mr. Mackenzie:** I asked a question on one of the previous days concerning the Ontario Liquor Boards Employees' Union. I can just ask specifically—it is a health and safety matter basically—are the employees of the Ontario Liquor Control Board exempted totally from the workplace hazardous materials information system legislation? I did not think they were.

**Hon. Mr. Sorbara:** My best information is that they are not.

**Mr. Mackenzie:** That might be communicated to the co-ordinator of health and safety for the board, Mr. Cahill.

**Hon. Mr. Sorbara:** Yes. We will do that.

**Mr. Mackenzie:** The other thing that raises some concern is that I am wondering if you can give me a response to the questions asked. First,

perhaps I can read from a letter from Mr. Cahill to the union and then the union's response. I am not totally sure myself, to be very frank with you. Mr. Cahill's letter to the union says:

"It has come to my attention that the health centre provides the union with copies of all WCB form 7s generated. This practice will stop immediately as it is in violation of the freedom of information act.

"Although this practice has been in existence for some time, the unauthorized release of personal information to a third party leaves the board open to legal reprisals, as outlined in the legislation.

"Local safety committees at the store and warehouse level are also included in this action.

"The disclosure of personal information to the union is acceptable when authorized by the employee. See clause 42(k) of the freedom of information act.

"We will, however, provide summaries of incidents to the union on a quarterly basis. This summary will consist of all the information listed in subsection 9(1) of the Occupational Health and Safety Act. Please contact me if you have any questions regarding this matter."

I can give you the response from the union. Hopefully, some of the people here can tell me just exactly where they stand. This is a response from John Stevens, staff representative of the Ontario Liquor Boards Employees' Union:

"We acknowledge receipt of your letter dated January 16, 1989, with which the union must strongly disagree.

"As you are undoubtedly aware, sections 25 and 26 of the Occupational Health and Safety Act, RSO 1980, c. 321, as amended, provide that either where a person is killed or critically injured from any cause at a workplace or where an accident, explosion or fire causes injury to a person at a workplace whereby the worker is disabled from performing his or her usual work or requires medical attention, the employer must give notice in writing either within 48 hours or four days, as the case may be, to various individuals, including the trade union involved. Subsection 26(2) stipulates the contents of that notice. Furthermore, the note to the act provides that such notice can be complied with by providing a copy of the notice required by subsection 12(1) of the Workers' Compensation Act, as amended. Accordingly, there is explicit statutory compulsion upon the LCBO to provide this information to the trade union."

I think the critical part of this letter follows:

"Your reliance on the Freedom of Information and Protection of Privacy Act, 1987, appears to be totally misconceived. Without in any way conceding that the information is personal information within the meaning of freedom of information act, section 42, which you refer to in your letter, specifically directs in clause 42(e) that an institution disclose personal information 'for the purpose of complying with an act of the Legislature or an act of Parliament....'

"Obviously, OHSA is an act of the Legislature and clause 42(e) requires that disclosure regardless of whether it is personal information, a contention with which the union does not agree. Moreover, clause 42(h) to the freedom of information act also provides for the disclosure of personal information in 'compelling circumstances affecting the health and safety of an individual.'

"Accordingly, the union expects the LCBO will continue to comply with its statutory obligations pursuant to OHSA. The union shall pursue all necessary and lawful remedies in the event that the LCBO does not."

The comment about not being included under OHSA so they did not need to worry about it was part of this same dispute. I am just wondering if you can give me an interpretation of who is correct and who is not in this case.

**Hon. Mr. Sorbara:** Without more information or greater analysis I would not want to rule on the matter. I think it is safe to say that there is, in every government agency or body, a reassessment of what it does and does not do with information as a result of the Freedom of Information and Protection of Privacy Act. That is going on in the Ministry of Labour and all agencies under our jurisdiction and in every other branch of government.

I do not know if the original letter that you read into the record was based on perhaps a misreading of the freedom of information act or perhaps a lack of familiarity with the Occupational Health and Safety Act. It may well have been that the union had traditionally provided the information not knowing that it was doing it under the authority and obligation of a statute, as the response seems to suggest.

I would not want to resolve the dispute unless the parties themselves brought it to our attention. From listening to the two letters, I would think that the staff rep of the union makes a good point that the information has to be provided by statute; but let's not rule on it here.

**Mr. Mackenzie:** I am having trouble selling this, but that was exactly my interpretation and

that is why I raised it here. I think the other side was as wrong on that as it was on whether or not it was included under Bill 79, and that is why I want it on the record. I would be interested if anybody has anything further to raise on it.

I had a couple of other issues, but I am prepared to let them go and proceed with the votes. They dealt largely with, as I had mentioned earlier, the Clancy news release, but I think we will be into that at a later time, and some additional information I had on a couple of inequities on deaths that have occurred recently. But I am going to pass those for now and I am prepared to have the votes.

**Mr. Chairman:** I propose to call votes 2201, 2202, 2203, 2204, 2205, 2206 and 2207, all items in each vote, in a moment. Before I call the vote, though, I would like to thank the minister and his officials for being very attentive for nearly 12 hours now. It has been a very protracted dialogue we have had here, mostly with the critic for the official opposition. I hope all his questions have been answered at this point in time.

If there is no further comment from the committee, I propose to call the vote.

**Hon. Mr. Sorbara:** Just before you do, can I make a brief comment myself and tell the committee frankly how much I have enjoyed these estimates? I think we have had a good discussion. I think there have been good questions. Although estimates are sometimes rather gruelling and sometimes are not the liveliest

entertainment on the block, I think all of us have benefited from the process. I thank the committee for its attentiveness.

On the record, I want to thank the officials from the Ministry of Labour who are here sitting in this room and, in addition, the others who are somewhere in the world today. Our building is closed down because of a very small electrical fire, and I do not know where they are. Suffice it to say that my responsibility is to do a good deal of the talking during estimates, but the vast majority of the preparation for estimates is done by people who work very hard in the Ministry of Labour. I think they have done an outstanding job and I think the results speak for themselves in the quality of the discussions that we have had here.

**Mr. Ruprecht:** I certainly think that the minister is responsive and very proactive and I want to thank him as well.

**Mr. Chairman:** Does anybody else have any accolades to issue at this point in time?

**Mr. Callahan:** No one second that.

**Hon. Mr. Sorbara:** No one is going to say anything nice about you, Mr. Chairman.

Votes 2201 to 2207, inclusive, agreed to.

**Mr. Chairman:** Shall the estimates of the Ministry of Labour be reported to the House?

Agreed to.

The committee adjourned at 4:02 p.m.



## CONTENTS

**Thursday, February 2, 1989**

<b>Estimates, Ministry of Labour</b> .....	G-457
<b>Recess</b> .....	G-476
<b>Adjournment</b> .....	G-483

## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

Callahan, Robert V. (Brampton South L)

Charlton, Brian A. (Hamilton Mountain NDP)

Cordiano, Joseph (Lawrence L)

Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

**Substitution:**

Mackenzie, Bob (Hamilton East NDP) for Ms. Bryden

**Clerk:** Carrozza, Franco

**Witnesses:**

**From the Ministry of Labour:**

Sorbara, Hon. Gregory S., Minister of Labour (York Centre L)

Ignatieff, Nicholas, Acting Director, Policy Branch, Labour Policy and Programs

Dutton, Penny, Director, Employment Standards Branch

Pathe, L. Victor, Assistant Deputy Minister, Industrial Relations Division

Verheyen, Romain C., Director, Office of Mediation, Industrial Relations Division

Millard, Tim J., Assistant Deputy Minister, Occupational Health and Safety Division









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No. G-14

# Hansard

## Official Report of Debates

### Legislative Assembly of Ontario

**Standing Committee on General Government**  
Estimates, Ministry of Consumer and Commercial Relations



**First Session, 34th Parliament**  
Thursday, February 23, 1989

Speaker: Honourable Hugh A. Edighoffer  
Clerk of the House: Claude L. DesRosiers

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Published by the Legislative Assembly of Ontario  
Editor of Debates: Peter Brannan

## CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, February 23, 1989

The committee met at 10:06 a.m. in room 228.

### ESTIMATES, MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

**Mr. Chairman:** The chairman recognizes a quorum. We are going to be considering today the estimates of the Ministry of Consumer and Commercial Relations. There are six votes in this particular set of estimates, namely, 901 up to 906 inclusive.

As is usual in this situation, the minister will be given an opportunity to make an opening statement, to which the official critic may respond, followed by the critic from the third party. After those two responses, the minister will then have a rebuttal opportunity.

From that point on, the committee decides whether or not we go into a rotation or exactly how we will do the discussion. We have two options available to us. We may do the total discussion on vote 901, which is the administration vote, which would allow us a wide-ranging, free-wheeling kind of discussion; or if any person on the committee wishes to spend time on a specific vote by bringing that to the chairman's attention, we may do that as well.

Before we begin and recognize the minister, I would like to indicate to the committee that I have a motion on Orders and Notices at 11 o'clock this morning, so I will be vacating the chair at approximately 10:50 to go down and do my duty there. The vice-chairman, Frank Faubert, will be taking over at that point.

I am mentioning it now so that in case somebody is partway through a discussion point, I will not have to interrupt at that point to vacate the chair. Unless there are some comments by members of the committee, I will recognize the minister, Bill Wrye, for his opening statement.

**Hon. Mr. Wrye:** I am delighted to be here before the standing committee on general government. Maybe I can take care of a couple of matters before I make my opening statement.

First of all, I want to introduce a number of people who are here with me today: Val Gibbons, Deputy Minister of Consumer and Commercial Relations; Art Daniels, assistant deputy minister of the registration division; Grant Mills, assistant deputy minister in the technical standards divi-

sion; Bernie Webber, assistant deputy minister in business practices, who was here and will be back shortly; and Whipple Steinkrauss, executive director of finance and administration. We also have Ab Campion, director of the communications branch, Sam Goodwin, executive assistant to the deputy, and Gabrielle Baldazzi, whom many of you know as my legislative assistant. That is the crew that is here today.

The second matter is just a housekeeping matter, and maybe we want to wait for Mr. Runciman's presence. I thought, Mr. Chairman and colleagues, I would have the assistant deputy ministers here for our discussions, but I also have on notice all of the senior officials of the various agencies, boards and commissions. I do not want to bring them over here unnecessarily but I certainly am in the committee's hands and would be delighted to do so, if that is your wish.

Officials from the Liquor Licence Board of Ontario, the Liquor Control Board of Ontario, the Ontario Racing Commission and the Commercial Registration Appeal Tribunal, and I guess the Ontario Film Review Board, are all on standby if you require their presence at any point today. If you just indicate that, we will have them here after lunch.

**Mr. Chairman:** If either one of the two opposition parties wants any of these people this afternoon, I think we should be advised by noon. If specific people are wanted for next Thursday, a desirable kind of thing to happen too would be if specific requests were made of the minister at the beginning of the week. It would expedite matters, and as in the past it would not require a whole lot of people sitting around waiting to be called just in case. Thank you very much for that suggestion.

**Hon. Mr. Wrye:** I am delighted, and it really is a pleasure to appear before the committee to report on the accomplishments and plans of the Ministry of Consumer and Commercial Relations. This is my first opportunity to defend the estimates of the ministry, and it really is a pleasure to do so.

I have been in the portfolio for about a year and a half now, and during that time I have been very impressed with the progress that I have witnessed in transforming this ministry into a customer-driven organization, and one that is responsive to



today's marketplace. Such an effort requires a thorough understanding of the environment in which we operate, along with a vision of the ministry and the various client groups that we serve.

As a result, before I outline how our objectives are being met, let me just stand back for a minute and examine the Ontario marketplace of today.

As we are all aware, the marketplace has been swept by change in the past decade or so. I have said in speeches that I think change is the only constant we have. There are technological innovations wherever we look: automated teller machines in subway stations, electronic scanners at grocery checkouts and personal computers in the home.

In many respects, technology has added complexity to our lives. Compare, for example, today's video games to yesterday's ping-pong matches, or think of the payment and credit choices that electronic transfer of funds has made possible.

On the other hand, convenience has become one of the most attractive selling features for today's busy consumers, people who are twice as likely to belong to a two-income family as they were just about a decade ago and probably spend more hours on the job than any other workers this century.

As a result of all of that, they do not have time to stand in bank lines, to cook three square meals or to become experts on increasingly complex subjects such as financial planning, so they use technology. They purchase time-saving products and services and they employ advisers, all in the name of convenience.

Furthermore, they do not always have the time to comparison shop, or the resources to resolve a dispute. They want businesses to deal with them honestly and to give them fair value for their hard-earned dollars. If they do not get that, they expect the government to be responsive to their needs.

Among the highest number of complaints that we have received during my tenure are those relating to the housing boom, and I think that was also true of my predecessor as the market heated up. A buoyant economy, along with overheated demand from the baby boomers, has distorted the normal balance of the marketplace.

This has created the opportunity for the unethical minority of business people to sell low-quality products at high prices. It has led, and indeed in some cases it has forced, consumers to abandon what we all know are sensible precau-

tions, such as consulting a lawyer, all in their stampede to buy before prices go up again.

As well as the baby boomers, who comprise more than half of our population, there are other demographic groups who have high expectations of government. While there are a growing number of seniors and singles who have an advantage in the marketplace in terms of time, money and sophistication, there are others who are at a disadvantage. Let me name a few: single parents, who are carrying very heavy responsibilities; frail seniors who may appear and who indeed are easy targets for the unscrupulous; people with language or literacy problems who have difficulty reading contracts or product information; and other vulnerable consumers whom my ministry has a responsibility to look out for.

To prepare for the future, we have to consider the impact that the ageing baby boomers will have. With stable birth and immigration rates predicted, we have to anticipate the greying of Ontario and the attention that this will focus on the leisure sector and other industries geared to this market.

Consumers also hold high expectations for other parts of my ministry, expectations which may vary from group to group in our vast province.

From our entertainment standards program many look for guidance in their movie viewing through the classifications of the Ontario Film Review Board.

From the technical standards division Ontarians expect safety in many of their daily activities, whether they are filling up the car, riding an elevator or working in a building heated by a boiler.

From our registration division they expect fast service in registering their property or business or applying for a birth certificate.

From our liquor boards many consumers expect to be able to shop in comfortable surroundings or socialize in bars and restaurants governed by rules that are in touch with our modern times. At the same time, others are vocal on issues of social responsibility, such as underaged drinking and impaired driving.

Of course, the expectations placed on my ministry do not stem just from consumers. Members of the business community expect us to help preserve their reputation by keeping unethical operators out of their particular field. They also look to us for fair balance between their interests and our responsibilities to consumers.

They want our registration division to provide efficient service, whether it involves incorporations or land title searches. In many areas that could be affected by our activities business people want to participate in the policymaking process.

Expectations have also been placed on my ministry by government itself. As part of the government's overall initiatives, we have to ensure that our programs continue to reflect our province's priorities: for example that services are extended to our French and multicultural communities, that our housing supply is expanded, that our environment is protected, that a healthy business climate is fostered and that international competitiveness is strengthened.

Furthermore, we have to keep our demand for government resources to an acceptable level. That means developing cost-effective ways to meet rising expectations and to keep up with growing volumes. As an example, overall inquiries to the ministry increased by 100 per cent in the last two years alone, up from 1.2 million calls to 2.4 million calls. Over the last five years, there have been dramatic workload increases all over the ministry. Let me give you a few statistics for that five-year period. Some of them are really amazing.

Annual property transactions were up one million, to two million in total. Company incorporations quadrupled from 20,000 to 80,000 annually. Pressure vessel inspections rose from 125,000 to 200,000. Registrants in the business practices division increased by 50 per cent in just five years. Liquor Licence Board of Ontario licensing and inspections grew by 30 per cent. Finally, requests for lottery licences shot up by more than 300 per cent. During the past fiscal year alone, land registry offices in Toronto and the surrounding area processed approximately 934,000 documents.

I want to point out that most of these statistics are not based on one-time input, but rather represent a cumulative increase in workload. Meeting these demands has created some awesome challenges for the ministry, challenges we are meeting through responsive legislation, technological innovation and a commitment to customer service.

The vision we have for the ministry is a lean regulatory body focused on high-quality customer service, operating within a flexible policy and legislative framework. This will ensure that the ministry can fulfil its mandate with regard to public safety, facilitate the effective functioning

of a commercial sector and ensure integrity and fairness in the marketplace.

Our strategy for accomplishing this vision is to transform the ministry from a process- and paper-driven organization to one focused on providing excellent, accessible services to our diverse client group. This transition will be achieved and can only be achieved by reshaping our workforce and developing new partnerships with those we serve. It is predicated on a major investment in technology, on our people and on customer service.

The link between technology and improved customer service is perhaps best demonstrated by our registration division, which maintains one of the largest databases in the Ontario government. This year we are embarking on a significant partnership with the private and public sectors, that is the implementation of the province of Ontario land registration and information system, or Polaris.

A joint venture of this dimension is a direct and positive response to the recommendations outlined in the Premier's Council report *Competing in the New Global Economy*. I think it is worth quoting and remembering what the report said, that "Instead of maintaining its traditional role as a lender and grant-giver to industry, government must begin to portray itself and function in partnership with industry."

As an aside from the statement, it was interesting that as that report came out we had had some discussions with the industry and they really focused, for both partners, our attention on what we could do together and the gains we could make together.

## 1020

The strategic alliance not only will allow us to automate the title and mapping system which is used in our land registry offices but is also going to develop an industry in the private sector whose services can be marketed and, I hope and expect, will be marketed very effectively all over our globe.

The strategic alliance is important to Ontario for three basic reasons: first, because it will strengthen the province's competitiveness in the international marketplace; second, because it will enable us to improve customer service right here in Ontario; third and most important, because this joint venture represents a bold, new approach to the challenges facing this province.

Strengthening our province's competitiveness in the international marketplace is an important priority of our government. We have found that our knowhow, backed by leading-edge tech-



nology, is one of the most sought-after commodities. By combining the experience and talent of our real property staff with innovation and investment from the private sector, I am confident that we can develop an Ontario expertise in land-related information systems that will be valuable to our trading partners. However, first and foremost on our minds must be the current customers for these services, the consumers and business people in this province.

As well as modernizing the province's land registration system, we will continue to recognize the role this system plays in linking land-related information to a variety of uses, particularly those of municipal governments.

In the past year at an international conference in Los Angeles, Oxford county, which was the prototype for the Polaris system, was recognized for the excellence in its land use planning system; which now utilizes, of course, Polaris as its base. In utilizing Polaris as its base, we can take action in many areas and handle things as diverse as laying out our refuse pickup, ambulance routing and many other routings and aspects of day-to-day living in that county and throughout Ontario that we can improve upon.

The implementation of Polaris will enable us to process the growing volume of real property transactions more efficiently. It will give customers easier access to records, and its bilingual capacity means that francophone clients can use the system with equal ease.

When fully implemented, and that will be 10 to 15 years down the road, Polaris will enable its customers and staff to search a title or register a deed at the touch of a computer. Ultimately, high-volume users may not even have to leave their offices.

Eventually, other information maintained by the registration division will also be available through this network, including liens on personal property and corporate securities, information on all companies operating in this province and statistics on the births, deaths, marriages and divorces that are maintained by the registrar general's office.

The move towards one-stop shopping has already begun. It is already under way in 65 land registry offices, 48 of which are offering personal property registration services while 13 are featuring over-the-counter incorporation. Those numbers are growing just as quickly as we can do so.

What is more, applications for birth, death and marriage certificates are available in all of our land registry offices. You will note there was no

application for divorce certificates available there. French-language service is now available in eight land registry offices and will be extended to 16 more this year.

At the companies branch, the five-year strategy for computerizing all our business records was approved last year. The partnerships and corporations offices were consolidated in a new Toronto location, which was designed with automation in mind. A night shift was added to handle backlogs more efficiently.

I just want to point out that as part of our commitment to employment equity, we recruited people from disadvantaged groups, such as single parents and the disabled. This is one area that I am particularly proud of, because we have hired a number of physically disabled individuals, including injured workers, and a number of single parents, for whom the evening shift is really the only one they can use. The initiative has been an amazing success and I think it demonstrates a belief that I know we all share, that employment equity does not require a tradeoff in productivity.

At the registrar general's office plans are well under way for the move to Thunder Bay. Although the move is still a year away, only 30 of the 150 staff members remain unplaced. Just as an aside, I can indicate that we were at the ground-breaking earlier last fall for the new offices in Thunder Bay which will house the registrar general, the Ontario student assistance program, and I believe a couple of other facets of ministries, I think there is a general consolidation. That new office is under way and is, frankly, sparking quite a boom in terms of both private sector office and commercial development throughout that downtown area of Thunder Bay. It was certainly something that was exciting the mayor, and it has given quite an economic shot in the arm to downtown Thunder Bay.

Activity was also generated by the record number of divorces that followed changes to the federal legislation; and there was the new Change of Name Act used by more than 14,000 people since it went into effect early this year.

A significant event for the registration division last year was the introduction of the new Personal Property Security Act, the result of extensive consultation and review. When proclaimed—and we hope it will be up for discussion in second reading with committee work next week—that very important piece of legislation will modernize the rules governing personal property pledged as collateral and extend them to corporate securities that are used in this manner.



The Repair and Storage Liens Act that was introduced at the same time will also require a major expansion of our personal property security registration capacity. This upgrading of our software and expansion of the inquiry services demands that we use leading-edge technology, the kind of innovation that will enable us to meet the challenges of this age of information.

Not surprisingly, technology is also a major factor in improving program delivery in our technical standards division. I want to turn to that for a few minutes.

Internally, computers are performing many routine clerical tasks, and a division-wide system for risk assessment and analysis is proposed. I think that will be a very major step forward, given the important role of tech standards in terms of public safety.

Externally, staff must also keep up to date with technological advances in elevating devices and pressure vessels, as well as the use of fuels. For example, staff in the elevating devices branch have been evaluating antijoyriding devices which can be installed on elevators where a potential risk has been identified. That is no easy task, when you consider—and we have heard stories and we have had discussions with those who have told us about them—the ingenuity that can be used in outsmarting even the most sophisticated equipment that the international engineering community has designed.

We have actually worked with one young lad who claimed that he had been on top of every elevating device in Etobicoke at one time or another. We worked with him as he explained to us how he could break through the various security systems that are in place. We found that he really was quite an excellent candidate for an engineering degree somewhere down the road, among other things. It was an interesting experience.

We have also been improving standards for elevator gearboxes. Furthermore, new elevators will soon be required to be equipped with safety mechanisms that will prevent them from travelling upwards at uncontrolled speeds. This is the response to the major recommendation of the inquest in the Scotia Plaza tragedy and has, as a result of that very tragic occurrence, led us to a point where the work in the international community will virtually begin in Ontario and will, I think, really be adaptable to elevators all over the world in the not-too-distant future. Certainly, that tragedy led us to accelerate, on a worldwide basis, the work of solving what had

been, up until that time, a great technological problem.

As well, there is the review that we have been conducting on the Boilers and Pressure Vessels Act and the Operating Engineers Act to ensure that the legislation reflects technological change. This has been a lengthy process involving extensive consultation with external clients, the circulation of numerous drafts and valuable input from an industry advisory committee.

We cannot forget Ontario's leadership in developing the first North American standard for natural gas domestic regulators and a code governing the use of natural gas as vehicle fuel, developed in the fuel safety branch. What is more, public safety was enhanced by the improved emergency response to fuels incidents, plus tougher enforcement of laws and codes. In addition to traditional safety concerns, this division is also meeting the challenges of new responsibilities and public issues.

We have just finished, as you know, the first full season during which the elevating devices branch was required to inspect amusement rides. There were, as one might expect in the first instance, some initial compliance problems, but I am very pleased to report that every ride in Ontario last summer was inspected and given a clean bill of health and that, more important, as a result of that, no major accidents were reported in 1988.

### 1030

In the division, we also joined our province's campaign to protect the environment. Last year, as you will remember, we passed the Gasoline Handling Amendment Act, which has set in motion the next phase of our program to have all underground fuel storage tanks in Ontario brought up to current safety standards by the start of 1991. In that way, we reduce the threat of spills fouling our soils or waterways and creating health and safety hazards for the people of Ontario. We also responded to public concern over the locations for propane and natural gas outlets by creating a government-industry committee which will be making its final recommendations later this year.

In addition to our safety and environmental concerns, there are the commercial considerations of our activities, which contribute to our export trade in no small measure. Here I am referring to our inspection of boilers and pressure vessels, which enhance the ability of Ontario manufacturers to export on a global basis. Also, we have negotiated an agreement with an inspection agency in Japan, and are about to

complete a similar agreement with a European agency, to conduct overseas inspections to pressure vessels destined for use in Ontario.

International trade was also a consideration for the upholstered and stuffed articles branch, which is experiencing an increase in offshore registrants and imported merchandise, a trend which should continue as the Canada-United States free trade agreement is implemented.

Efforts were also focused on examining the role of the division this year. This involved many informal discussions with client groups and the public. Out of those discussions, there was very strong support for the continued public safety mandate of the division. One way to fulfil this mandate is to encourage the public to assume greater responsibility in the safe use of fuels. That is why we have been running public awareness campaigns on issues ranging from furnace cleaning and chimney-sweeping to the safe use and storage of propane fuel and appliances.

At times, however, we employ the double-barrelled approach of combining education with enforcement. For example, last summer we prohibited the sale of propane refrigerators that vent indoors, because of the danger of carbon monoxide poisoning. However, because we knew that many people already owned indoor-venting models, we continued an advertising campaign aimed at encouraging these people to move the refrigerators outdoors.

To reach a broad audience, mainly those living in remote areas of northern Ontario, our advertising also appeared in French, native and multicultural publications. In the not-too-distant future, I think you will see additional action in this area, which is of great concern to us based on the number of fatalities and near misses we have had in the past.

On the legislative front, we are examining our present consumer protection laws and the trends that are emerging in the marketplace. Our goal is to determine more understandable and simplified ways of responding to the needs of today's marketplace in terms of both consumer protection and opportunities for business expansion.

In this connection, one of the most visible areas is our business practices division. As many of you are aware, we have been reviewing the 22 pieces of legislation this division administers. Our studies have included the legislative review project, which presented a report to me last June. Let me make it clear again, as I have in the last several months, that this research report is not endorsed by, and indeed was not written as an

official function of the government. Rather, the ministry has used the work of the task group that presented this report as a starting point for consultation with our client groups on a wide range of consumer issues.

Perhaps in the next couple of minutes I could briefly outline how the consultation process on the Directions Report has shaped up thus far. Following the release of the legislative review project's Directions Report, I had the opportunity, along with my ministry staff, to visit 12 Ontario communities through most of last fall—that is why I was not in the House, Mr. Farnan—and to meet with local consumer and business groups to discuss the LRP proposals.

From these meetings emerged a great deal of interesting and useful comment. I thought I would include three or four of the themes that really permeated all of the meetings in the 12 centres. The first theme is that both consumers and businesses alike are not aware of existing rights and responsibilities.

The second theme is that the most compelling need is for greater education and awareness initiatives, from the school curriculum for young children to programs aimed at specific transactions. These themes came from both business and consumer groups.

The third theme is that the small claims court system is seen as intimidating and inaccessible for the average consumer. It is not a view widely shared by some of the business groups, but certainly shared completely by consumer groups in all communities we visited.

Finally, many feel that high-pressure practices, such as door-to-door selling and telemarketing, require additional protections.

A vast array of organizations has submitted briefs in response to the proposals, which are being reviewed by the staff. As well as staff meetings with these groups, I have been holding discussions with a number of key umbrella organizations such as the Board of Trade of Metropolitan Toronto, the Canadian Advertising Foundation and the Ontario Real Estate Association. Indeed, I have a meeting with the motor vehicle dealers' association scheduled on my agenda for tomorrow.

To ensure the participation of business and consumer groups, I have also established a consultation group to discuss crucial areas of the LRP proposals. The members of that group, and I am very pleased that we have been able to put that consultation group in place, include representatives of the Canadian Federation of Independent Business, the Retail Council of Canada, the



Consumers' Association of Canada and a consumer law specialist.

What is more, we are continuing to invite input from any and all interested parties, which we will use to devise practical, workable consumer protection legislation for this province to take us into the 1990s.

What we are looking for are laws that will not only mirror the trends that have reshaped our marketplace but that offer the flexibility to respond to new concerns as they emerge. What we want are rules that are equitable for all concerned.

Basically, what our total review process aims to accomplish is a balanced approach able to produce responsive legislation containing reasonable and appropriate protection for consumers without stifling good business practices unnecessarily; we want a regulatory regime that instils consumer confidence in the goods and services that are produced in Ontario. In other words, we want to encourage a marketplace where consumers know that business can be trusted.

Recently, we introduced new legislation that captures the essence of that approach; for example, the Prepaid Services Act, which was proclaimed on October 1, 1988, after being passed in the late spring. If you look at the act, instead of drafting a law to deal specifically with fitness clubs, where most of the problems have occurred up until now, we addressed the wider range of services that are paid for in advance. As a result, this new law can be applied to modelling schools, diet centres, karate clubs and similar situations; that is, it is flexible enough to be applied to future needs.

The act also illustrates the ministry's emphasis on problem prevention. By restricting initiation fees and contract lengths, the Prepaid Services Act limits potential losses to the consumer. As well, the act provides a five-day cooling off period, during which time all membership fees must remain in a trust account, and all fees paid in advance of a club's opening must be held in trust until the facility actually opens for business.

The upgraded educational requirements for new real estate sales people that we announced last spring should also prevent problems by weeding out people who are not serious about careers in real estate and ensuring that consumers are served by professionals who are well versed in the international complexities of this sector of our marketplace.

Reasonable disclosure is the key feature of the Motor Vehicle Repair Act, which also went into

effect on October 1, 1988. This new law, which I consider among the best in North America, requires shops to post signs listing their rates and to provide written estimates on request. In addition, maximum repair costs will be limited to 10 per cent above the written estimate, removed parts must be returned on request and a warranty must be provided on new and reconditioned parts and associated labour for a minimum of 90 days or 5,000 kilometres.

Similarly, looking at the area of travel, our new travel industry regulations require a full disclosure of prices. As with auto repairs, we think consumers should not be stung by major surprises on their bills. The new travel regulations also demonstrate our belief that consumers should get exactly what they pay for; in other words, the promised hotel should not still be under construction and any advertised features should actually be available.

I just say as an aside that one of the things I was most pleased to see out of the new Travel Industry Act regulations was that in many of the summer and fall brochures nationwide wholesalers were spelling out the new Ontario regulations and complying with them, and indeed were announcing that they were pleased to offer, without the force of legislation and the force of regulation, those same benefits to consumers all over the country. It was very pleasing to me to see that the new regulations we put into effect are having a nationwide impact and I am sure that other provinces will be following our lead and adopting similar regulations.

#### 1040

Recently, as you will probably have read, we laid our first charges, against Sunquest Vacations Ltd., following an investigation into consumer complaints about unsatisfactory conditions at a resort in the Dominican Republic.

Another high-profile area has been new home construction, where consumers are protected by the Ontario New Home Warranty Program. Last year buyers were given the right to be informed well in advance of delays in the closing date. As well, they were given more say when substitutions from the original plan are made. They may be entitled to up to \$5,000 in compensation for living expenses if the new closing date is delayed beyond the date originally agreed upon.

Last year program officials also made a number of administrative and regulatory changes aimed at dealing with rising volumes of activities and complaints about construction quality. They are expanding their network of six regional



offices to include Brampton and eventually Whitby or Oshawa, as well as Newmarket.

Again as an aside, one of the things program officials have done—which as you know is an area where the act is in place, but it is an act where we have self-regulation—is beef up their own inspection and audit branch, if I can call it that. So they are not only able to respond to complaints but to simply attend to this very quickly growing marketplace and ensure that they are preventing problems before they occur by auditing the amazing amount of building that continues to go on in our province.

What is more, the board of the home warranty program has brought in a number of new measures to increase protection for consumers. Protection against water entering basements was extended from one year to two, warranty coverage has been increased from \$20,000 to \$50,000 maximum and up to \$5,000 in compensation has been provided for incomplete work.

As well as dealing with immediate concerns, we are attempting to head off potential problems. For example, last year we anticipated the personal privacy concerns of our electronic age through the new disclosure requirements under the Consumer Reporting Act, which again passed in the Legislature during the spring session. These will enable consumers to ensure that data collected about them are correct and used only for purposes authorized by the consumer.

Disclosure is, of course, fundamental to much of our older legislation, which includes the Consumer Protection Act. In fact, last year we successfully defended a case in the Supreme Court of Ontario which forced an automobile manufacturer to fully disclose in its advertising the true cost of borrowing. Ontario took a lot of criticism for that. We are the only province to actually raise the issue. We found it significant, first of all, that the court upheld the views we brought forward; and second, that the court's findings were not in any way challenged on appeal.

I say good morning to my friend the member for Parkdale (Mr. Ruprecht), who has as a consumer learned that he is probably a better consumer than he is a skier.

**Mr. Ruprecht:** Thank you very much. Nice to be here and listen to you.

**Hon. Mr. Wrye:** Another important principle, access to justice, has been well served for many years by the industry-financed compensation fund which reimburses consumers when travel firms go out of business. Last year this

kind of protection was extended to people buying from motor vehicle dealers, and a compensation fund was also proposed in the Prepaid Funeral Services Act.

In addition to this fund, I will be coming forward shortly with new measures to strengthen consumer protection and to provide equitable treatment in all areas of the bereavement sector.

As well as compensation funds, we are examining arbitration systems and other means of dispute resolution to improve access to justice. The Ontario Motor Vehicle Arbitration Plan, better known to all of you as OMVAP, is the first such system that we have introduced. I am pleased that the initial indications are favourable. In its two years of operation, approximately two thirds of the 742 cases have been settled in favour of the consumer. With an average of 10 weeks now required to process a case—that is down significantly from the opening statistics in the first year, the number has been dropping—it has proven to be a much speedier alternative than the court alternative that was in place before.

The effectiveness of this co-operative venture in settling disputes about new automobiles is currently being evaluated. That evaluation process is under way now and will go on until later this spring. I will be very interested in finding out if the results suggest that this is a model that could be applied beneficially to other areas of the marketplace.

The business practices division has also undergone a major reorganization, creating separate branches for business regulation, consumer services and entertainment standards so that the needs of their specific client groups can be better met. This includes the restructuring of the entertainment standards branch, enabling one operation to administer licensing and compliance programs for all special event activities for athletics, theatres and lotteries.

Another popular form of entertainment in Ontario is horse racing. It is supervised by the Ontario Racing Commission under the able leadership of Frank Drea. In 1988, Ontario was the largest racing jurisdiction in North America with 1,900 racing dates at 23 tracks. Wagering, for the very first time in this province, topped the \$1-billion mark, an increase of nearly nine per cent over the year before, which had also been a record. It now represents well over one half of all betting in Canada and makes Ontario the jurisdiction with the second largest handle in all of North America.

The racetracks assistance program, I think, gets a lot of credit for the increases. The program

was first implemented in 1986 and is coming to an end this year. This cost-shared program has helped modernize patron facilities at tracks throughout the province and has provided funds for marketing ventures. Those marketing ventures have raised the profile of horse racing as one that can be looked upon by many of our citizens as good family entertainment.

You may have noticed that throughout my remarks I have made reference to the need for enhanced consumer education and awareness. I see educational programs as the tools consumers need to help them manage on their own and to understand the rights and responsibilities in the Ontario marketplace.

The public awareness campaigns of the ministry are spearheaded by the communications branch. Through newspaper columns, radio tapes, media interviews and a host of other activities, we challenge the people of Ontario to protect their safety and indeed to protect their wallets.

Informational brochures and consumer education materials on a wide range of subjects are now available in French.

I am very proud to say we recently launched a \$500,000 consumer awareness program for our multicultural community. The goal of this program is to ensure that consumers of diverse backgrounds and heritages have equal access and opportunity to participate fully in Ontario's marketplace. The objectives include supporting the government's policy on multiculturalism, which was spelled out earlier, ensuring that consumers are not disadvantaged because of cultural or linguistic differences and increasing awareness of ethnocultural consumers' rights and responsibilities under Ontario's consumer protection legislation.

Last fall, we ran another successful consumer week based on the same theme as our multicultural campaign, "Shop Smart—It Pays." For the first time, we presented awards of excellence to recognize outstanding consumer educators. We also spread the word through our consumer information centre which handled more than 120,000 information requests over the last year.

Turning now to our liquor programs, I want to briefly outline the important role that is being played by modernized rules, technological innovation and a commitment to customer service.

The Liquor Control Board of Ontario is probably one of the most visible examples of our efforts to improve customer service. In fact, over the last 18 months, the new management team, and I think a greatly enhanced board of directors,

have taken major steps to improve overall performance and service delivery to the consumers of this province. This has involved the development of a new strategic plan, allowing the organization to redefine its purpose as a socially responsible agency that is both efficient and customer-driven.

We have now put in place a nondiscriminatory product listing policy. Members will recall the statement I made in connection with that policy last week.

By increasing the level of professionalism at the board, concerns about excessive inventories, staffing and reactive policy-making and decision-making have really all but disappeared. Overall, the new strategic business approach has replaced ad hoc decision-making. I am confident the organization will continue to meet the demands that will be placed on it with ever-increasing competence.

Many of you have already seen evidence of the direction at work. For example in many areas, particularly in cottage country during the summer, stores were open longer hours to better serve their clientele. As well, a pilot project has been launched to assess the need for expansion of agency stores. That pilot project is now coming on stream in a number of areas in eastern Ontario.

I am sure most of you have noticed the face-lifts our stores have been receiving. Just recently, you may have picked up the new customer newsletter, LCBO Today. To support these efforts, head office created a merchandising division last year. For the first time, they invited representatives of the Italian community to select the grappa and vino novello and a public panel to decide on the Beaujolais Nouveau that the stores should stock.

## 1050

To respond to social concerns, we also restricted the sale of stomach bitters to Liquor Control Board of Ontario stores.

Administratively, the liquor licence and control boards are pursuing automation to improve their efficiency. The LCBO is exploring electronic means of tightening inventory control and the Liquor Licence Board of Ontario has begun automating some clerical functions.

Customer service is being improved at the LLBO as a result of better employee communication and training.

We have also been examining the regulatory changes that were proposed by the Advisory Committee on Liquor Regulation concerning social responsibility in a modern province. In the near future, I will be taking to cabinet my



recommendations for updating our rules on special occasion permits, licensing, advertising and a number of other areas.

As members are aware, our nation's obligations to the General Agreement on Tariffs and Trade led us to work with the grape and wine industries and the federal government on a strategy that would enhance our competitive position in the international marketplace.

The Ontario government has pledged more than \$50 million in direct and indirect assistance over a 12-year period. The comprehensive strategy involves more than money. It involves the replacement of labrusca grapes with viniferas and French hybrids as the industry base, downsizing production, setting quality standards and promoting Ontario wines. To this end, we put in place last spring or early summer a new Wine Content Act, which includes regulations setting purchase guarantees and quotas as well as types and quantities of grapes used in Ontario wines.

I think these policies provide support for our grape and wine industries as they adjust to a more competitive international trading environment.

Before I conclude, I want to sum up with three examples that illustrate my themes of modern legislation, technological innovation and a commitment to customer service.

To illustrate modern legislation, we have the consumer protection measures that we brought in last year which strengthen consumers' rights in such areas as prepaid services, travel, motor vehicle repairs and information from credit reports. Of course, there is the foundation for change that we are building with our consultations on updating all of our current programs and consumer protection laws.

I think technological innovation is best demonstrated through the activities of our registration division, where filing cabinets are being replaced by computer discs. Staff who used to be too busy filing will be able to help clients and indeed are already helping clients much more efficiently than ever before.

Our commitment to customer service is apparent to anyone who has been in a liquor store featuring attractive displays and staff who are knowledgeable and pleased to answer their questions.

It is really an exciting time to be the Minister of Consumer and Commercial Relations. It is good to be part of a ministry that is willing to go the extra mile to fulfil its traditional responsibilities for consumer protection and safety, along with the better use of information and databases to facilitate the business community.

We are living in a marketplace that has been swept by change, so the challenge of today is to produce legislation, innovation and customer service that responds to those changes and anticipates trends on the road ahead, a challenge I can proudly say is being met by the Ministry of Consumer and Commercial Relations.

**The Vice-Chairman:** At this point, under standing orders, I call upon the critic of the official opposition. Mr. Runciman was not here earlier when the offer was made by you, Minister, to have any staff members might require attend. The chairman talked in terms of having them next week, or we could do that this afternoon.

**Hon. Mr. Wrye:** What I said was that I have my assistant deputy ministers here this morning and they will be here all day. I have staff from the various agencies on standby. I do not want to drag them away if they are not going to be needed, but if you think you would like to have discussions that will involve any of the agencies, boards and commissions under the ministry, if you would be good enough to give some indication we would be pleased to have them here for the afternoon session.

**Mr. Runciman:** I would not want to encourage that. I might as well advise you that I do not have a prepared statement to make. I hope to have the opportunity to simply go all over the place with questions. I cannot give you a specific agenda with respect to the areas I would like to touch on. I am hoping that perhaps you or the deputy could respond to them adequately. If I were unhappy or the members were unhappy with the responses, perhaps we could follow up in writing rather than have your staff just hanging around here all the time.

**Mr. Farnan:** I just had a brief word with the member for Leeds-Grenville (Mr. Runciman). If it is agreeable, I would like to make a statement, and when we open in the afternoon the member for Leeds-Grenville will take over with his questions. Then I could complete my statement. I think that will facilitate Mr. Runciman. Is that okay?

**Mr. Runciman:** It is up to the chairman.

**The Vice-Chairman:** Basically, the procedure is that the minister makes a statement, the opposition makes a statement, the third party makes a statement and then the minister responds.

**Mr. Farnan:** Can we all agree that my statement can be broken so that the member for Leeds-Grenville can speak?



**The Vice-Chairman:** Yes, if you want to do it that way. The time is yours.

**Mr. Runciman:** Perhaps I can ask a question. I wear so many hats now that I am not sure. What is the time frame for the estimates process?

**The Vice-Chairman:** Eight hours, over two days, today—

**Mr. Runciman:** So we are looking at one day next week.

**The Vice-Chairman:** —and next week, right.

**Mr. Runciman:** I do not want to see you juggle the procedures to try to accommodate myself. I have to leave to head back to my riding relatively early this afternoon. You may simply want to go through the routine procedures and the minister's response. If I am here and there is some time to participate in the questioning at that point, fine; if not I will take my whack at it next week.

**The Vice-Chairman:** Okay.

**Mr. Farnan:** I would like two minutes just to make note of a couple of areas the minister referred to. I have some sympathy for the minister, who told me how hard he worked in preparing for these estimates. When he introduced his six department chairmen, I realized it must be a very onerous task. As I sat last night with my scissors in the early hours of the morning clipping and pasting, I realized we have very similar roles in terms of preparing for these debates.

In presenting my views and concerns, I beg your indulgence and that of the committee. I was recently assigned to the role of critic of the Ministry of Consumer and Commercial Relations for the official opposition. Hence, I follow in the footsteps of perhaps the finest champion and protector of the consumer this province has ever had. I speak, of course, of the former member for Welland-Thorold, Mel Swart, who retired from the Legislative Assembly last summer.

A couple of factors created some difficulties for me. I hired a research assistant last Monday for a period of two months in order to prepare for these debates, which we anticipated would be in the standing committee on administration of justice. The sudden switch and abrupt scheduling meant that my assistant was working two months in three days. So at this particular time, I want to also acknowledge the assistance I have received for this set of the estimates debates from both my legislative assistant, Maureen Brown, and my research assistant, Joanna Reaugh.

## 1100

I want to acknowledge the contribution made by my former colleague. The issues I will raise and discuss during the course of these estimates debates have been, for the most part, issues that are closely identified with Mel Swart. I think they are solid issues. Indeed, those members who have been around Queen's Park for a while will recognize Mel in much that I will present today. In researching the issues, I borrowed extensively from Mel's ideas and his words.

All New Democrats have a special place in their hearts for Mel Swart. I beg your indulgence here for a moment, because I would like to take a moment to place on the record my special debt to Mel. During the last provincial election I was fortunate enough to have my leader, Bob Rae, come to Cambridge on a couple of occasions to support me in my bid to win the Cambridge seat.

I am sure all members present here will recall—some fondly and others not so fondly—the Liberal tide that was sweeping the province in the summer of 1987. In Cambridge, we knew we were in a tough race and had a chance to win only if we could garner some support from our higher profile and popular caucus members, so we sent out an SOS. It was very difficult to get seasoned New Democrats to respond. They were very busy attempting to stave off the Liberal tide.

Mel was the only one who answered our call. He came to Cambridge not once, but three times. How fortunate we were to have Ontario's consumer champion come to our assistance. The result of the Cambridge election gave me a victory margin of 101 votes. There is no doubt in my mind that the presence of Mel Swart made the difference.

The measure of the man is not the visits to Cambridge that he made throughout the campaign, but to all the other ridings that benefited from his presence. And he still won the Welland-Thorold seat with a plurality of over 9,000 votes. He is not just a great consumers' champion; Mel Swart is a big-hearted, generous and dedicated New Democrat.

In thanking Mel, I know the best thanks I can offer and the one he will most appreciate is to follow through on those concerns he so faithfully championed when he acted as the New Democratic Party critic for Consumer and Commercial Relations.

I think when you are in an area for a while and you know the subject very thoroughly, it is possible to focus and crystallize your thoughts much more easily. In prefacing my remarks, I am giving you some warning that there will be

considerable length to the statement I will make today. It results from the fact that I am new to the critic area, having taken over when Mel retired, and also from the disruption in this schedule, which originally suggested we would be looking at these estimates possibly two or three months from now. Please brace yourselves.

First of all, I want to address the whole area of housing and how your government's actions, and in some cases lack of initiative, are creating chaos in the housing market. On page 4 of your statement, it says, "Among the highest number of complaints we have received during my tenure are those relating to the housing boom."

Clearly the purchase of a home is the single most important investment an individual or a family will make in a lifetime. Naturally, it follows that the government should be very aware and sensitive to the abuses that could artificially inflate the cost of housing and of practices that could cause anxiety, uncertainty, risk and financial loss to the home purchaser.

Given the importance of the decision to purchase a home, the fact that your ministry has been so slow to act and the manner in which your government has demonstrated a very high degree of complacency about what is happening in the housing market are absolutely extraordinary. It is an extraordinary situation out there and it appears to me we have a government that is almost in a straitjacket.

I want to commence by raising the issue of the obvious lack of protection for consumers in the housing market and the failure of the Ontario new home warranties plan to provide adequate protection. The New Democrats have been pressing for consumer protection in this area for many years. All members here, I think, will recognize that Mel Swart brought considerable pressure on the government to introduce consumer protection legislation for home buyers and home owners. Indeed, he even went so far as to draft appropriate legislation and to press a succession of Liberal ministers to take effective action.

We recognize the problem when, as recently as February 16, 1989, a Liberal backbench member, the member for Halton North [see correction, page G-506], recognizing the deficiencies that exist, brought forward a private member's resolution in an attempt to address some of the glaring loopholes that exist in the act. It is a sad state of affairs when members of the minister's own party have to urge action on the part of the ministry to protect home buyers.

On page 30 of his statement, the minister refers to the Directions Report, which was presented to the minister last June. Then he says: "Let me make it clear that this research report has not been endorsed by the government. Rather, the ministry has used its work as a starting point for consultation with our client groups on a wide range of consumer issues."

Obviously, the member for Halton North has recognized the need. Minister, I am not sure if you were in the House when she made her presentation, when she made her speech in support of that resolution. It was a very fine speech. I would say that she was moved to take this position based on the input she received from consumers in the riding of Halton North. Time and again she referred to the experiences of consumers, and that is why she was responding.

I can tell you that what is happening in Halton North is happening in Cambridge, is happening in Whitby, is happening right across the province. Halton North is not unique. It is a provincial problem.

#### 1110

There are problems with the manner in which the government is addressing the concerns in the housing market. I believe you mean well, Minister, and you did introduce amendments to the Ontario New Home Warranty Program back in mid-1988 which were unquestionably an improvement. You and your ministry are to be commended for that, but it is the signals we send out to the community.

There is a real problem out there. While you cannot be painted with the brush of your predecessor, let me read to you a comment made by your predecessor, the member for Wilson Heights (Mr. Kwinter), then Minister of Consumer and Commercial Relations, on December 17, 1986, when he too was announcing certain revisions to the new home warranty program and said that these changes plus tough policing "will provide the home buyers of this province with the best consumer protection available today in Canada."

My community of Cambridge is enjoying a considerable boom. We had some tough times in Cambridge through the depression in 1981-82. We had unemployment of 20 per cent in Cambridge. Thank God we are enjoying a considerable degree of vigorous growth—however, with all the problems that accompany that growth. My neighbour is moving into an apartment because of a delay in the completion date of his home. We sat around my kitchen table



and he explained what had happened. It is still not unusual; it is common.

I do not want to repeat the speech I made in support of the member for Halton North, but I do believe there are some things we should stress. Some developers are using unrealistic closing dates as a gimmick to promote sales. It results in less quality workmanship. Corners are cut to meet these unattainable closing dates, and this is further compounded by unskilled labourers doing skilled labour. Apprenticeships are not required for carpentry and bricklaying, and even though courses are available through the community colleges—20-week training programs in these trades—the government has given no consideration to making these training courses compulsory.

As a consumer minister, I would think you would have to be interested in the product that is being delivered to the public at a very expensive cost. One of the only ways of having quality control is not simply through inspection, which, by the way, is often not sufficient. There has to be quality in the workmanship.

Indeed, I think if we had controls and quality in the workmanship, it would decrease the pressure upon the complaints departments of the ministry down the road. If we are out there looking at the quality of the workmanship, the quality of the inspections, making more access available to the purchaser during the course of building, there will indeed be fewer problems down the road in the area of complaints.

I have examined the Directions Report to the Ministry of Consumer and Commercial Relations on Consumer Protection and Business Practices, and the changes suggested in the Directions Report are long overdue. When I wrote this, I did not realize—and I thank the minister for explaining it to me today—that these recommendations are not government policy, and that strikes me as extraordinary, because the changes are very, very straightforward.

“Major recommendations include the following:

“An addendum should be included in all agreements of purchase and sale, providing essential information to the purchaser prior to signing the contract. The addendum should include the following:

“(i) Delayed closing—The clause would provide for compensation in case of delayed closing.”

My apologies. I think this is the wrong section. Yes. My apologies.

We have here, for example, a document which I think you have consulted on broadly. There seems to be consensus as to what needs to be done. What is missing is the political will to implement what is suggested here. When I look at some of the improvements that were made in mid-1980 to the Ontario New Home Warranty Program, I can see that there are very clear limitations; for example, compensation of up to \$5,000 for incomplete work. When you have caps on compensation, you are obviously not giving the consumer adequate protection.

It goes without saying that it must be mandatory to have a standard form of agreement and sale and that home buyers should have the right to withhold from the developer an amount equivalent to the uncompleted work at the time of closing. In other words, the developer does not get the money for work he has not done. This money should be paid by the purchaser to the Ontario New Home Warranty Program and would be relayed to the developer-builder in instalments as the unfinished work was completed.

These measures would provide the home purchaser with a considerable degree of protection which does not exist at the present time, and they would give the purchaser some leverage in having the outstanding work completed. At the very least they would ensure that the purchaser is not paying for work that might never be completed.

I do not believe that what is in place is sufficiently tough. There is not sufficient penalty to the builder-developer for not living up to the terms of an agreement. I think substantial penalties, where the builder-developer fails to meet the completion dates of an agreement, should be paid to the purchaser, and where there is a long postponement of completion—this is very, very important—the buyer should have the option of cancelling the purchase contract with the down payment refunded and interest and penalties levied against the builder. I am sure, Minister, you are aware that with these artificial completion dates that people are putting forward, more and more purchasers are being left in the lurch.

#### 1120

We need an independent panel, including consumer representation, to be established with authority to waive part or all of late-completion penalties, which could occur as a result of strikes, unavailability of materials, etc. This is the type of legislation that would guarantee the future protection of consumers in the housing



market. We could also add that it would make a lot of sense to allow warranties to apply for a period of up to two years from the date specified in the possession certificate.

This is a point which Mr. Swart made and which I will repeat. The guarantee fund of the Ontario New Home Warranty Program, which is currently used to correct certain defaults by builders, should be extended to provide coverage to include home completion. Home purchasers should not have to absorb the cost of renting an apartment while they are waiting after the completion date to take possession. These costs should be drawn from a guaranteed fund to which the builders would contribute. My understanding is that there is a cap on that at the moment. Is that correct?

**Hon. Mr. Wrye:** Yes, \$5,000.

**Mr. Farnan:** The use of such a fund for protecting home purchasers is not unreasonable or unique in any way. You have suggested there is such a fund in the travel industry. There is such a fund for motor-vehicle buyer protection. Why should there not be such a fund in home purchase?

It is also important to recognize that the travel industry finances the cost. The same kind of financing is used for the motor-vehicle dealers' compensation fund. In home purchase, it is the dealers and not the consumers who should finance the building completion fund as part of the new home warranties plan, even if that means that their enrolment fees increase.

It makes good sense to extend warranty provisions to alterations, deletions, additions and upgrades specified by the purchaser and included in the agreement of purchase and sale and to further extend the provisions of the act to include restorations, renovations and additions to existing residential properties.

I would say much of what I have gone through right now has been the substance of the private member's resolution from the member for Halton North, so we have Liberal backbench members who are saying, "Here are things we can do." This is not the official opposition. It is not members of the Progressive Conservative Party saying, "You know, it's a jungle out there for the purchaser of a home and we know this because we live in communities where growth is taking place." They are saying to the government, "Let's do something."

The government has already done the study and has the information. But as the minister points out, although we have the information and although we have the feedback coming in from

Liberal members and opposition members across the province, this is not official policy. We are in kind of a state of limbo, and you are keeping us guessing as to what is going to happen.

Much of what the member for Halton North had to say has been championed by New Democrats for many years. We do not want to give her too much praise in the process of bringing—

**Hon. Mr. Wrye:** I was going to make a point of all your good remarks about her.

**Mr. Farnan:** I think what she has done is that she has picked up on the issues that have been championed by New Democrats that would improve the position of the home buyer. It is now more than four years since the Liberals took the reins of power and the problems are still there.

We are happy when we see individual Liberals recognizing the age of enlightenment. It is certainly very encouraging for us New Democrats when individual Liberals say: "Yes, there is need for more protection. What you New Democrats have been saying for years is true." But there have to be enough of those Liberal members that it will, hopefully, convince the minister; or maybe the minister is even one of them and is fighting for this in cabinet, but his cabinet colleagues are not delivering.

We can take some pride in small progress, but we will only be happy when you, as minister, deliver.

There is not one word in the minister's statement, in 56 pages of a very well-crafted and very broad-ranging presentation, about the need for a speculation tax in the housing market. Frankly, it frightens me that the Minister of Consumer and Commercial Relations, in 1989, knowing what we are experiencing and what consumers are experiencing, makes a state of the nation address giving his vision of where we have come from and where we are headed and fails to even address the issue of a speculation tax, which is very much out there. It was just this week, February 21, that I raised the issue in the House.

Your ministry has to deal with the spiralling cost of homes that the people of Ontario must face. You did not mention the spiralling cost of homes in your statement. It is absolutely mind-boggling that the Minister of Consumer and Commercial Relations would neglect to talk about what is happening in the housing market.

The major factor in these spiralling house prices is land speculation; no question about it. I am going to put that on the record now.

The approach of the Treasurer (Mr. R. F. Nixon) was to suggest we raise the land transfer

tax to cool the housing market, but in the process it will penalize every home buyer. Even Mr. Nixon himself has agreed such a move would add to the price of every house sold, in the midst of an affordability crisis. The Treasurer of the province wants to increase the price of a house and the Minister of Consumer and Commercial Relations is silent. What happens to the purchaser and the consumer?

Increasing the land transfer tax does not faze the speculator one iota. If the speculator can increase the value of property by 30 per cent in a year, would a doubling, for example, of the land transfer tax from 1.5 to three per cent result in any discouragement to speculators? Not at all.

Let me just give you two examples, or maybe I should give you the first example, because it is horrendous and we should look at these. This is what is happening out there. The land upon which the now-famous \$800,000 North York homes have been built was involved in speculative transactions. The federal government sold a 17-hectare site at Wilson Heights Boulevard near Sheppard Avenue in March 1987 to Rhomcorp Development Ltd. for \$14.28 million. Two months later, the company resold the property to Bramalea Ltd. for \$19.8 million, an increase of 38.7 per cent or \$5.2 million.

The land transfer tax on the original sale would be \$212,675, and even if the province doubled the land transfer tax, this speculator would pay only \$425,350 in LTT, still leaving the company with over \$5 million in speculative gain. Would increasing the land transfer tax deter that kind of speculation? Not at all.

### 1130

At the same time as the speculator would be still raking in the dough, the home buyer in Cambridge trying to purchase an average-priced house for \$130,000—the real estate board said just last week that it is \$140,000 now, but I am using the consumer price index—would see his LTT payments double from \$1,050 to \$2,100. This extra tax grab would be especially painful to struggling potential home buyers, because this substantial expense has to be paid up front as it cannot be amortized into a mortgage. For the average price of a home in Toronto, the LTT would double from \$2,293 to \$4,587.

The plan of the government is to increase the tax on the home purchaser. We have speculation going on and the government comes up with a plan that will increase the tax on the purchaser, the consumer, and will not decrease speculation. It does not make sense.

The average price of a new detached home in Cambridge is now \$130,000, according to the CPI, a 105 per cent increase from the \$63,500 average price when the Liberals assumed office in 1985. As I said, there is another \$10,000 on that, according to the Real Estate Board of Cambridge. The average price of a new detached home in the greater Metro Toronto area is now \$352,000, a 146 per cent increase from \$143,000 in June 1985. The average price for a resale home in Metro Toronto is \$254,000, a 135 per cent increase from \$108,000 in June 1985. The average price of a resale home in Ontario is \$180,000, a 113 per cent increase from \$84,000 in June 1985.

Consumers could say to themselves that from the time your government took office, the price of housing has just blown sky-high. What are you going to do about it?

Here is another solution the Premier (Mr. Peterson) has for the consumer: The Premier suggested people could avoid Metro's high prices for new homes by looking in surrounding regions. This is a very harsh solution for the people of Ontario. I can further add that it is a solution not particularly welcomed by cities like Cambridge and many other communities surrounding the greater Metro area.

This forced movement of home purchasers to surrounding regions is an additional factor in forcing upward the cost of housing. The young couple seeking to purchase a home in Cambridge is being penalized for the government's failure to address rampant speculation in the housing market in Toronto.

It is also, I think, somewhat arrogant to suggest to people that they uproot themselves and their families, leaving long-established roots, and move to outlying regions. What about the extra cost and the time required to commute to work in Toronto? Will the government supply additional public transit to move these people should they relocate?

So there is upward pressure on the cost of housing by the government. We are experiencing Cambridge speculation both from within and without. I have a real estate friend who showed a couple around a new subdivision; I think there were 26 homes in the subdivision. He spent a couple of hours with them looking at one home. They were from Toronto. They left and he thought, "Well, I've spent two hours with them." He did not make the sale, but he got a phone call that night. The person on the phone bought 12 homes, sight unseen. You know as well as I do what that does to the price of those homes. The



young couple in Cambridge or the young couple thinking of moving to Cambridge to purchase a home has just had \$10,000 or \$15,000 added to each of those homes.

We have speculation within the community, as is the case, I am sure, within any community across the province where the market is hot. We have people who own their own home and who have some savings in the bank. A subdivision is going in, so they purchase a home with every intention of selling the home before the subdivision is completed. That adds another \$10,000 or \$15,000 to the cost of a home for a young couple.

What is the Treasurer up to? Sure, we can collect more revenues from the land transfer tax. Indeed, the land transfer tax, even without this increase the Treasurer has talked about, has shown a remarkable growth in the last year. He estimated a projected \$560 million above the \$500 million budgeted for last year. That in itself is a reflection of the speculation and the quick turnover and flipping of housing that is taking place in the marketplace.

New Democrats have said and will continue to say that we want a land speculation tax that would amount to 100 per cent of capital gain if the property is sold within one year and 75 per cent if sold within two years. Even the Globe and Mail—

**Hon. Mr. Wrye:** Sorry; can you repeat that?

**Mr. Farnan:** One hundred per cent of capital gain if the property is sold within one year and 75 per cent if sold within two years, and perhaps a sliding scale. I think it would certainly put an end to the kind of speculation that exists in the marketplace today.

**Mr. Fleet:** Excuse me. I know I am not normally entitled under the rules to ask a question of a critic, but I just wanted—

**The Vice-Chairman:** No, you cannot. Under the rules you cannot ask questions of the critic.

**Mr. Fleet:** Perhaps I might have unanimous consent to put a question to him, just so I understand his proposal on speculation tax.

**The Vice-Chairman:** No, I will not even take that; sorry.

**Mr. Fleet:** I am seeking unanimous consent. I am sure I am entitled to do that.

**The Vice-Chairman:** No, it is the critic's time. He can do with it what he wishes.

**Mr. Fleet:** Does he object?

**The Vice-Chairman:** I do not want to get into a debate on this point.

**Mr. Farnan:** I would be happy, if you want to make a note of your question—

**The Vice-Chairman:** You will have lots of time.

**Mr. Fleet:** All right.

**The Vice-Chairman:** He raises an interesting issue.

#### 1140

**Mr. Farnan:** In an article on February 15, 1989, the conservative Globe and Mail levelled criticism at the Premier for refusing to consider a land speculation tax. Thomas Walkom states that Ontario survived the land speculation tax of 1974 to 1978 and that house prices cooled during that period. "So," asks Walkom, "why is the Liberal government unwilling to try it again?"

Sometimes a cartoon captures an issue. I am not sure if some of you saw the cartoon. I am not sure what paper it was in. One of my assistants attached it here. It shows a real estate agent—

**Hon. Mr. Wrye:** It will be tough to put it on the record.

**The Vice-Chairman:** Describe it.

**Mr. Farnan:** It shows a real estate agent with a couple. They are out in a very barren area. There is a picture of a building with a "For Sale" sign in front of it. It looks very similar to an outhouse. The real estate agent is saying to the couple, "There it is folks...detached—under \$200,000...and only 80 minutes to Toronto!" I think that is an unfair description of the reality, but sometimes cartoons can capture the reality by exaggeration. I think there is a reality out there for consumers in the housing market that cries out to be addressed.

There are three types of people who will purchase a home. If individuals purchase a home in which to live, that is fine. If they purchase a home or a building with a view to making a living from long-term rentals, I think that makes sense too, and we need rental accommodation. Or they can simply wish to take advantage of a rising land market and in so doing, on an essential commodity, I think they are abusing all of us within our society. This kind of speculation cannot be tolerated by any government.

Some examples: A 75-unit apartment building on Bingham Avenue in North York sells to Eastons Investments on February 28, 1986, for \$1.8 million. Eastons resells the building on April 30, 1987, for \$2.6 million. The price has increased 43 per cent in 14 months. Does the minister believe a speculative activity has taken place?



A 12-unit apartment building at 85 Beech Avenue in the city of Toronto is bought by Zari Benaich for \$660,000 on November 14, 1986. He resells the building six and a half months later, June 5, 1987, for \$825,000—up 25 per cent. A new purchaser, Mark Steinhart, then resells the property on October 21, 1987, for \$1,010,000. In four and a half months, the purchase price increased by an additional 22 per cent.

Does the minister believe either of these transactions involves speculative activities?

We can go on and on and on. There is no end to the examples. The provincial government must implement a property speculation tax that would be applied to all land sales and sales of non-owner-occupied residential buildings at a rate of 100 per cent of capital gain if the property is sold within one year of purchase, and 75 per cent if sold within two years.

I thought about whether I should be making this statement at these particular estimates. The question arose in my mind, is not all of this the responsibility of the Minister of Housing (Ms. Hošek)? It is, but it is also the responsibility of the entire government and must be a critical and vital concern for any Minister of Consumer and Commercial Relations who takes his responsibility seriously. I have no doubt our minister does.

I believe the minister should be advocating a speculation tax to protect consumers. You should certainly, I think, be taking a particularly strong stand in cabinet. In the light of the critical nature of this particular issue, I think you should be prepared to take whatever stand is necessary to bring to the attention of the entire community the failure of the Liberal government to address this issue.

The questions I would ask are: Is the government out of touch with young couples and people on fixed incomes? Are we in a conflict-of-interest situation?

We have our homes. Speculation is driving up the cost of the properties that we own. There is indeed a vested interest, some would argue, for politicians not to put a cap on the rising inflationary cost of housing, because we will benefit. If we, the 130 members who sit in the assembly, did not own our own homes and were just at this particular moment in time going out into the marketplace to purchase a home, I wonder whether we would be so complacent? And would there not be a much broader support for the imposition of a speculation tax in the housing market? I would suggest that indeed there would be. The consumer deserves better.

I am going to deal very, very briefly with the issue of lot levies, but it is the same issue. We have lot levies that are resulting in additional cost to the new home buyer. The Treasurer knows full well that the cost of lot levies will be transferred to new home buyers. He knows, and his studies show, it is a regressive tax; it is a kind of head tax on new home buyers in this province which is terribly unfair to people of this province.

How does he impose this kind of unfair, regressive increase and justify it in terms of all the range of taxing options that are available to him? There are ways of taxing fairly. The lot levy tax will be an inflationary tax; and to the extent that you are increasing the price of a new home, we have it on the authority of James Flood, the spokesman for the Ontario Real Estate Association, that you are going to raise the price of a resale home.

Mr. Flood said it is hard to tell how much of the increase in lot levies will trickle through to resale prices, and how quickly. He said there has been a correlation in municipalities such as Mississauga which currently impose some form of lot levies between taxes and the resale price of homes. "The effect is certainly there," he said. "It is obviously going to increase the price of housing. How you can come to any other conclusion is beyond me."

The land speculation tax is going to increase the price of homes and the lot levies are going to increase the price of homes. Another aspect of this government is the sales tax increase from seven to eight per cent. Extraordinary. I am going to make a couple of notes on this particular aspect. That too is going to increase the cost of homes significantly.

Let me talk about the sales tax broadly, because again I think it is reasonable that a consumer minister should be concerned not simply with the biggest tax increase in our history—\$1.5 billion in new taxes—but particularly with the unfairness of the tax increases.

The low-income and middle-income Ontarians were hardest hit. The minister will argue, as many have argued, that tax credits soften the blow. It may very well soften the blow, but it does not stop the blow. Not everyone gets the sales tax credit to start with. It is obviously regressive.

## 1150

Perhaps the Toronto Star said it best. "A sales tax is aimed at consumption. Consumption means just about everything you can spend your money on except savings. Guess who saves a lot? Right. Not the poor. Why would we want a tax

which provides an incentive for the rich to save more?"

The point is further emphasized. I quote from Havi Echenberg, the director of the National Anti-Poverty Organization: "Since the poor have no option but to spend all of their income, the regressivity of the sales tax is doubled. The poor have to spend everything. Let's have the people who can afford to pay, pay."

The minister might wonder why I would raise the issue of sales tax in these estimates. Let me say that the way we protect and treat the most vulnerable is a good measuring rod of the society we are attempting to build. I think this sensitivity has to extend into every ministry of the government.

I want to remind the minister of the outrage—although we now recognize it as feigned outrage—with which the Liberal Party reacted to the Conservative government's increase in the sales tax in 1982. The present Premier, then leader of his party, had this to say: "We, as Liberals, believe passionately in taxation that is based on ability to pay. We saw a shift by the Conservatives towards flat consumption and regressive taxes. We saw a shift on to the poor, to lower-income families who have less capacity to deal with these taxes than people at higher income scales. As a party, we chose, as a rather dramatic signal of our displeasure, not to show up to vote for a couple of days."

That was in opposition, and in opposition to sales taxes. How the Liberal Party has changed its tune. There was not one voice of dissent from the Liberal benches as this regressive legislation was brought forward and worked its way through the House. The Minister of Consumer and Commercial Relations was regrettably silent. The minister, whom one would expect to champion and defend all consumers, was silent. I think the minister had the opportunity to express his disapproval and, in the Premier's own words, register a dramatic signal of his displeasure. Perhaps as a result of cabinet solidarity—

**Hon. Mr. Wrye:** I was just going to say that I would not have had to be here today.

**Mr. Farnan:** Sometimes we have to take principled positions.

The minister had the opportunity to stand above the crowd by refusing to go along with the regressive policy that hurt so many consumers. Instead, the minister must be lumped in with the whole Liberal government and identified with a group that is described thus, in the words of the business editor of the *Toronto Sun* in April 1988: "Unable to control spending and make some

tough decisions, they wimp out and just go back to robbing those who are least organized and too polite to bitch."

In a nutshell, as Minister of Consumer and Commercial Relations, you participated in a process that has robbed a particularly vulnerable and significant sector of consumers of their spending power. I agree with you. You are probably right that if you had taken that principled stand, you would not be minister today.

**Hon. Mr. Wrye:** I will give you big odds.

**Mr. Farnan:** At the same time, I think it would certainly have changed the direction of the government, had you made that kind of stand.

I want to sum up all of these particular housing issues, all these tax grabs, taxes and levies, with an example. At present, on a \$237,000 home, \$26,000 goes to the government, according to Frank Giannone, president of the Toronto Home Builders' Association.

**The Vice-Chairman:** No, to governments.

**Mr. Farnan:** Okay, governments.

With the sales tax increase of the Treasurer recently implemented, approximately \$900 is added to the price of this home, as well as the \$26,000. If the Treasurer raises the land transfer tax—say, for example, he doubles it from 1.5 per cent to three per cent—the tax on a home worth \$250,000 would go from \$2,250 to \$4,500. If we add all these new taxes to the old figure of \$26,000, the consumer will be paying approximately \$29,250 in taxes and levies on the new home. This is an additional \$3,147.

Just how much does the minister think the consumer can pay? There has to be a limit to the resources of ordinary citizens in this province. Surely to goodness, the consumer has the right to ask that the Minister of Consumer and Commercial Relations will take a principled stand on this issue.

**Mr. Fleet:** On which issue? On a point of order: I do not think the member would want to inadvertently mislead anybody, but he did use an example he attributed to the Treasurer which I know the Treasurer has rejected in the Legislature. I understand the point he is trying to make, but the actual numbers he is using are based on an attribution that is not accurate.

**The Vice-Chairman:** I am going to rule right now. That is not a point of order. You have it on the record, but it was not a point.

**Mr. Fleet:** I think it is a point of order, but he never said that the Treasurer rejected doubling the land transfer tax.



**The Vice-Chairman:** I am not going to get into a debate at this time. You know the rules of the committee. You have every right to debate with Mr. Farnan after. You can raise the question with him. You have it on the record. Let it go at that.

**Mr. Farnan:** The Prepaid Services Act is mentioned in the minister's statement. Back in October, I drew attention to this matter and suggested that there were weaknesses in the Prepaid Services Act as it applied to fitness and health clubs. I did this both in writing a letter to the minister and in raising the issue in the House.

"The act does not provide sufficient protection for consumers. The law does not provide for a compensation fund similar to that which exists in the travel industry. If a health club folds at any time, members are not guaranteed their money back.

"I would suggest that where people have paid membership money into a new club that fails to become operational, these individuals should be entitled not only to a refund of their membership money but to interest at prevailing rates.

"Neither does the legislation address the whole area of public safety. There are no requirements for thorough checks to ensure that members are fit enough to use the facilities safely, nor is it mandatory for facilities to provide that they be staffed at all times by people trained in approved life-saving techniques. Indeed, there are no minimum training or education requirements for club employees."

The minister replied to my letter but I am afraid he did not answer my concerns or resolve the matter satisfactorily.

**Hon. Mr. Wrye:** Oh, no. Send it again, and I will see if I can do better the second time.

**Mr. Farnan:** You are not providing adequate protection. It may have improved the situation, I grant you that. There is no question that the Prepaid Services Act is an improvement.

You would have to be out of touch with reality not to realize that the problems in the fitness and health industry are still rampant. We may have solved some problems, but the problems out there are still rampant. Consumers continue to be ripped off as the abuses continue in the industry.

Let me have a look at a couple of the points I asked you to reply to. The minister's response in his letter of November 30, 1988, to my call for a compensation fund was, frankly, very disappointing. This is what you had to say: "If the act were to include a compensation fund, it would require registration and an attendant bureaucracy to administer it. It was a conscious decision not to create a registration statute"—

**The Vice-Chairman:** Mr. Farnan, there is a division just called. On agreement of the committee, we will recess until after the routine proceedings and continue at that time. You will have the floor again.

**Hon. Mr. Wrye:** I am looking forward to hearing the rest of this letter.

The committee recessed at 11:59 a.m.



## AFTERNOON SITTING

The committee resumed at 3:27 p.m. in room 228.

ESTIMATES,  
MINISTRY OF CONSUMER AND  
COMMERCIAL RELATIONS  
(continued)

**Mr. Chairman:** I would like to recognize a quorum. Before I turn the floor back to Mr. Farnan, the critic of the official opposition, who I believe was holding forth eloquently at 12 noon when the adjournment came, I would like to set the record straight with respect to one item.

In your dissertation this morning, Mr. Farnan, you referred a number of times to the member for Halton North and a private member's resolution that had been talked about in the House a week or so ago. Halton North happens to be the chairman's riding. The motion you referred to was put by the member for Halton Centre (Mrs. Sullivan), who has some very specific points of view with respect to the Ontario New Home Warranty Program.

What I would like to indicate for the record is that my views on that particular program are well documented in various committee meetings in the Ombudsman's area and they do not necessarily completely coincide with the motion that was discussed in private member's hour that morning.

With that clarification, I will give you back the floor.

**Mr. Farnan:** Maybe the clarification should be that the record would show that it is the member for Halton Centre wherever the reference was made.

I will just finish this point and, if it is agreeable, my colleague will take over and cover the Ontario Racing Commission.

I was referring to a response from the minister concerning the Prepaid Services Act. In his letter of November 30, he implied, "It was a conscious decision not to create a registration statute, but instead to limit the consumer's financial exposure in the event the health club folds."

Experience has demonstrated to us that this conscious decision was not a good one, and indeed problems continue to exist within the health and fitness industry. In the past year, 12 health and fitness clubs have folded in Ontario and several have closed their doors since the passage of the Prepaid Services Act.

We are all familiar with Slenderizer Fitness Centre, the latest casualty. Literally thousands of individuals are waiting to get their money back from Holiday Fitness, which announced it would not open its clubs in Don Mills and Scarborough Town Centre. The vagueness of the law allows them to open for no matter how brief a period of time and then be protected by the law, and these consumers have little hope of getting their money back.

The law has to be extended to cover clubs that are already open and not just the clubs that are waiting to open. There are some provisions in the Prepaid Services Act that do indeed benefit the regular members, but there are still weaknesses in it where people can be caught.

Frankly, all that needs to be done is for the act to be tightened up. I cannot see why we are afraid of doing this. The industry has demonstrated and is demonstrating that it cannot discipline itself and requires government assistance. If it is now necessary to do this within the travel industry in order to protect consumers, likewise it should be in the health and fitness area.

Neither can consumers be encouraged by the minister's reply, in the same letter of November 30, to my concerns regarding public safety and my call for the staffing of these facilities by individuals with some minimum levels of training, particularly that they be trained in life-saving techniques.

In the minister's reply, he said: "The issue of public safety is not a consumer protection issue nor is the issue of training standards for club employees." He went on to explain: "The Ministry of Tourism and Recreation has been working on a voluntary set of standards which, if adapted by fitness clubs, would then qualify that club to display its seal of approval."

I would have thought the Minister of Consumer and Commercial Relations (Mr. Wrye) would be vitally interested in the product being sold to health and fitness consumers; the product is a facility with untrained staff. Therefore, I think it is very much an issue for the Ministry of Consumer and Commercial Relations. It may indeed be interministerial, but the consumers who look to the minister for protection are buying a product in which there is untrained staff in many cases, which may cause serious problems as a result of inappropriate exercising, etc.

Just in terms of the long run, it makes sense. The potential cost to health care down the road of

not having qualified staff in these facilities is phenomenal. We are constantly worried about how we keep a lid on health care, yet here we are having health and fitness clubs with unqualified staff. Who pays the bill down the road? The taxpayer, of course.

We do not want regulation for the sake of regulation, but it is now abundantly clear that the track record of fly-by-night operators within the health and fitness industry demands stringent controls in order to protect the consumers.

I think the ministry has done something, but too little and too loosely. There are still glaring loopholes within that legislation. I know from the efforts we have seen in the Prepaid Services Act that the ministry is well intentioned, wants to do the right thing and wants to protect the consumer, but I have to say to the minister that he must be aware of this. His complaints department must be inundated with literally hundreds of calls in relation to this issue of people who cannot get their money back; individuals who are having that problem even since the Prepaid Services Act went into place. Of course, ultimately, the buck stops with the minister, and I think he has responsibility for closing those loopholes.

With that, I would like to pass it over to my colleague to take care of an issue that is very much of concern to her.

**Ms. Bryden:** I appreciate the committee's giving me the floor so quickly. I have an appointment in the House later on and I hope they do not send a note saying "Come down."

The estimates of this ministry, of course, have not come up since 1986. I think that is correct; so it was another minister at that time, the Honourable Monte Kwinter, the member for Wilson Heights, who was in charge of the Ministry of Consumer and Commercial Relations.

During that period there were developments regarding racing at the Greenwood Race Track, which is in my riding. The Greenwood Race Track is unique. It is the only racetrack in Ontario situated in the middle of a densely populated residential neighbourhood. There are more than 1,500 homes in the immediate vicinity of the track. Year in and year out, residents living near the track have complained about the horrendous parking problems, traffic congestion, noise and litter associated with the operation of the track.

It is not just the residents nearby, but all east-end residents who are affected by the traffic congestion and transit problems which arise from the operation of the track. Access to recreational,

commercial and cultural facilities is severely limited when the racetrack is open.

The issue came to a head in the fall of 1986, when the Ontario Jockey Club, the owner of Greenwood Race Track, sought approval for Sunday racing at the Greenwood track without first consulting the residents living in the surrounding area.

This despite the fact that, just a year or two earlier, the Ontario Jockey Club had assured the community that Sunday racing was not part of its future plans. For years it had been under an agreement with the Metropolitan Toronto council not to introduce Sunday racing at Greenwood if it got approval for Sunday racing at the Etobicoke operation of the track—the Woodbine Race Track, as it is called.

But also the number of racing hours had grown from about 40 hours 10 years ago to close to 300 now, and so it is much more of an intrusion on the neighbourhood. When two interests share the same turf—if I may use the word—there should be a mutually agreed-upon sharing of the area, and the residents should have some say in the number of racing days and the hours of racing.

When they brought this to the minister—in the estimates in 1986 I raised this question—the minister took the attitude that the problems created outside the racetrack were problems the municipality should deal with; that the Ontario Racing Commission was not there to regulate things that were affecting residents such as parking, congestion, litter, noise and the general enjoyment of their property. The Sunday racing made the situation much worse for the residents, because they never then had a weekend free of cars constantly overloading the area. They finally had to get a tow-away zone, and also all the other incidents related to it.

#### 1540

The minister at that time took the attitude that it was the municipality's problem and that they should look to the municipality. But when the only way to solve the problem is to ban Sunday racing or to limit the number of days and hours, the municipality does not have the power to act. So the minister was giving advice to the residents that they could not follow, because they could pay all sorts of extra money for tow-away zones and for more police protection, but they could not really build more roads to go past the racetrack, there was no space, and they could not divert the traffic from that area. They were really powerless.

I think the previous minister was leading them down a blind alley, shall we say. They tried for



years to get the municipality to control the situation, but they came to the conclusion finally that a ban on Sunday racing and a limitation of hours and times of starting were the things that they needed.

I myself frequently asked the minister to bring in legislation to give the municipality that power, if that was Mr. Kwinter's conclusion of what should be done. He did not respond. The residents then tried themselves to support a private member's bill, which I introduced, to limit the hours and also to deal with the whole democratic principle which is involved in this, and this is why I think it is very important to raise it.

The racing commission took the attitude that its mandate was to regulate the racetrack industry and not to have anything to do with its effect on the residents. This seems to me a very undemocratic principle for a government-appointed board or commission to carry out.

They did not consult the residents when they decided to abandon their no-Sunday-racing policy, which they had had for over 100 years. They did not give the residents any notice of the meetings at which they okayed this application for Sunday racing. Theoretically, they are public meetings, according to the act, but they do not advertise the times or the agenda or the proposals that are coming before them. With great difficulty, we were able to get from the commission when the meetings were happening, but when the residents appeared, they were not allowed to speak. They were not considered a party to the hearing.

I may say also that the hearing-room system of microphones was so poor that most of the residents could not hear what was going on anyway. It was simply a private little meeting, it appeared, between the operators of racetracks and the commission, with no attempt to have people use microphones or speak to the people who were in the audience. We were allowed to sit there and listen.

There are two issues here, really. There is the question of the right of a government-appointed commission, which comes under this ministry, to refuse to even notify the residents of its decisions on racing hours or to hear their comments on it. The residents went to court to challenge whether this interpretation of their mandate was correct; the courts did uphold their mandate, but it could be appealed to a higher court if the residents had the finances and wanted to carry it on.

The thing is that I think the legislation should be amended to give the racing commission the

obligation to consult and to listen to the residents and to consider how their neighbourhood is affected and to see if it cannot work out some fair setup for sharing this land.

Racing now can bring in 12,000 people on a Sunday and really disrupt all the other activities that go on in that area on Sundays, and also on weeknights. Some weeks they are seven-day-a-week operations, many of them. It seems to me the residents must have a right to share in the planning for that.

I recall that the new minister, who is with us today, has issued his opinion on the application by the city of Toronto to bring in a private bill to give the city the power to regulate those hours. If I am correct, I would like to ask him, does he oppose that bill before it has even come before the House? It was a press story issued in the summer that indicated he thought that this was not the answer and that the municipality did not need additional powers. In fact, I gather from that press clipping he thought the racetrack in the Greenwood area was a growth industry that should be encouraged.

I would like to ask him, does he really think a unique facility of this sort should be allowed to expand without some control by both the occupants of the area and the users of the area, shall we say, and the racetrack participants who want to race the horses? Is it a proper exercise of government authority over appointed commissions to permit this situation to continue?

It is very hard to defend on democratic principles. Most other regulatory bodies advertise their meetings, have public hearings and take the views into account. Everything from Bell Canada down to the Ontario Energy Board has all these procedures for public consultation and trying to balance the interests of the different parties affected. As far as I can see, the Ontario Racing Commission is a law unto itself. It is a law mainly for regulating the industry. It is mainly composed of owners or operators of horse farms or racing events and operators of racetracks. The general public is just not part of the action.

Does the minister support that view or is he prepared to consider democratizing the process of the Ontario Racing Commission?

**Mr. Chairman:** Before the minister answers, for the benefit of the committee, I would like to put on the record that by agreement of the House leaders we have determined that we should have all the votes for all the sections at the end of today's business. Sometimes towards the end of the afternoon people drift off. On this particular



day we should not do that, because we are going to be tidying up the business of these estimates at the end of today's session or when the questions by the opposition members who are present have been answered, whichever comes first.

In that line, with your approval, Mr. Farnan, I think what we should do is get the minister to answer this particular question. If there are more, fine, and then the ones you have already put might be answered. You may have additional questions. In that way, we will not get to the end of the day and have a whole lot of work or answers that have to be given to you in written form. If you are in agreement, that is the way we will proceed. I think you allowed Ms. Bryden to interject—

**Mr. Farnan:** I am in agreement with Ms. Bryden having the dialogue with the minister.

**Mr. Chairman:** I would like to answer this particular concern now and then answer as many of the concerns that were raised this morning as—

**Mr. Farnan:** I would prefer to get my statement on the record, if it is agreeable.

**Mr. Chairman:** You want it completed before?

**Mr. Farnan:** I do.

**Mr. Chairman:** That is fine.

**Hon. Mr. Wrye:** It seemed to me it came as a variety of questions, but the key question, as I understood it, was, should the Ontario Racing Commission have to post the dates of its proposed hearings when it has its annual hearings to set racing dates for the next year? Should it have to advertise that and allow public submissions as to the racing dates for the coming year?

**Ms. Bryden:** And public attendance, public discussion.

1550

**Hon. Mr. Wrye:** I have no objection if it has input from the public, but we should understand that what goes from there is whether, in the Greenwood case, the Ontario Racing Commission would then consider the input from the public that would allege and speak up, no doubt properly, about increased traffic and parking problems, among others, whether the commission would then have to consider them, as a provincial racing commission should, or whether, as has happened in the past, the provincial racing commission would refer those matters to the Metropolitan Toronto Police or the Metropolitan Toronto council for the appropriate action dealt with by that level that is appropriate.

**Ms. Bryden:** We have already had two or three years of attempting to deal with it at the municipal level and it has not succeeded.

**Hon. Mr. Wrye:** With respect, I think the general view, the view held by a lot of people, is that it has succeeded as far as it will succeed. Are we to say that on Sundays when there are—you are correct—9,500 or 10,000 people generally there, there will be no increased traffic in the area? The short answer is no. Are we to say there is some measure of disruption in people's lives? The answer is yes.

Looking at Maple Leaf Gardens, if I want to go down to my apartment on Carlton Street this Saturday night at about a quarter to eight, is there to be a disruption in my life as I try to get into my apartment right next door to Maple Leaf Gardens? The short answer is yes. There is a commercial establishment there.

I do not think anybody has denied, and I certainly would not as minister, to you or to the residents of the Greenwood area that there is through this racetrack some measure of disruption to their lives; some measure. That is certainly true. The track, as you are well aware, has attempted to overcome it in a number of ways with additional parking spots. In fact, just this past December they reduced the number of racing dates. In spite of the fact that Sunday is by far their most important day in terms of their economic viability, they have moved, I believe, 14 additional days from Sunday to Thursday.

**Ms. Bryden:** Yes, but the total number is still over 300. It is not just Sunday they are objecting to. It is the complete dominance of the week by the racing—so many days, over 300 in the year and many of them double events, afternoon and evening.

**Hon. Mr. Wrye:** Intertrack in the afternoon from Woodbine and then the evening harness in the summer.

**Ms. Bryden:** Yes, and there is more intertrack coming in from different—

**Hon. Mr. Wrye:** The deputy may be able to help me here. I think when they intertrack they only have 2,000 or 3,000. I have to be honest with you. I go out on occasion to my track in Windsor. To flow traffic for 2,000 or 3,000 people is pretty minimal stuff. We can flow out in 15 minutes from the track in Windsor.

**Ms. Bryden:** It still is parking on the streets. Even though there are all sorts of parking places, the public does not use the parking places that are available. They use the streets first until they are

completely full up, so it is a red herring to say there is lots of parking.

**Hon. Mr. Wrye:** I appreciate there is parking there and some of it costs money. Some members of the public will do just as they do on the nights hockey plays here at Maple Leaf Gardens. I have a ministry at the corner of Bay and Wellesley. Nobody has to tell me the nights the Leafs are at home, because if I happen to be leaving the ministry or arriving back from this location on a Wednesday night a little after six o'clock, they are pouring into the parking lot and parking in every nook and cranny all around us. That is why I am very sensitive to this. You are correct in terms of the traffic problems.

There are certainly legal arguments that can be made and I think can be put on the record, and I am quite willing to do so in terms of Bill Pr15 and our view towards that, which is not a positive one. I must also say, in all candour, that I supported the majority view that was taken on your private member's bill. I do not believe—my parliamentary assistant can help me—I was in my place for that vote, but had I been there I would have voted against your private member's bill.

I understand the measure of the disruption, but I have been minister for a year and a half and I have some idea of what an important industry this is. It employs 48,000 people. Greenwood Race Track itself employs in the range of 750 people through the Ontario Jockey Club and about an equal number through the trainers, drivers and other backstretch people.

**Ms. Bryden:** A lot of that could be moved to Woodbine.

**Hon. Mr. Wrye:** Well, it could and it could not. I think if you talk to people who attend Greenwood, the so-called Greenwood crowd, it is a very different crowd than goes to Woodbine. It is quite interesting. Greenwood, to its credit, is considered quite a community track. If you talk to even those in the racing industry and indeed the patrons, as I have—I have been to Greenwood and I have taken the occasion to talk to patrons. If you talk with them, their track is Greenwood, much more so than Woodbine. Woodbine is, I would not want to call it élitist, but if we use the phrase "working people," and I mean that in a complimentary way, those are a lot of those folks who go to Greenwood on a Monday night or—I am not sure. I do not think they race Tuesdays and Wednesdays, in the winter meet at least. But if they are there, they view it as their community track.

**Ms. Bryden:** Yes, but what about the residents? Their community is also very serious-

ly affected and it is the only community this large. Maple Leaf Gardens does not affect as large a community of residents.

**Mr. Fleet:** Can I ask a supplementary here? There are a couple of aspects I do not quite understand, and I am concerned. Perhaps the minister can give some clarification about two aspects.

I represent High Park-Swansea. The name of my riding tells you the kind of usage that takes place in the middle of my riding and the impact on parking for people in the riding. I do not think the character of the streets is radically different from what it is in the east end, as best as I understand the east end. In other words, there is a parking problem, and frankly, there is a parking problem every day of every week, regardless of additional events that take place at High Park.

My first sense is that I would have thought that falls within the city of Toronto, and then some roads within the jurisdiction of Metro council, including all aspects of regulation of parking and rerouting streets. It is not contingent on provincial funding, inherently. They go to the province, fine, but they are not prevented from doing things if they want to at a municipal level. That is the first concern I have.

The second one was the reference to a lack of democracy. I can appreciate that citizens may be frustrated if they do not get a result they want, and I very sincerely have an interest in that, but perhaps the minister can confirm my recollection. I thought that when the public bill came up in the House—I believe Ms. Bryden brought it forward. I thought that came up for a vote. It was a free vote and it was lost. It may be unfortunate from the point of view of the people who wanted it, but that is not undemocratic.

I would assume that whenever a private bill would come up in the standing committee on regulations and private bills, it would still get a full hearing. The process it goes through is not undemocratic, to the best of my knowledge.

**Ms. Bryden:** The process at the board is what I am complaining about.

**Hon. Mr. Wrye:** At the commission.

**Ms. Bryden:** At the commission.

**Mr. Fleet:** Perhaps you can clarify some of these things, because my understanding is quite different.

**Hon. Mr. Wrye:** Perhaps it is something we will take under advisement and take a look at, whether within the process of setting racing dates for a coming year, the board may want to post the



fact that it is having—and move to open up the process somewhat.

But I say that with the caveat and the warning that if anyone expects that doing that will in some way resolve and solve this issue, I think that is a wrong expectation. I share my colleague's views that, again, there are certain powers the municipality could take, in terms of parking hours or parking, in terms of ticketing, towing away and the like, if it felt it was a huge and great problem.

**1600**

I will say just one last thing. My deputy wants to add something. When I heard "High Park-Swansea," it made me think not of the member's riding, but of the riding immediately to the east of it, Parkdale. What happens in Parkdale for some 21 or 24 days every August and September is you cannot find a parking spot, and that includes on the lawns, from about 9:18 in the morning till about midnight. It is called the Canadian National Exhibition. Yet we understand this community of Toronto accrues certain benefits from that and the residents accrue certain benefits from that. They take that as something of a disruption in their lives.

The honourable member would say that is 18 or 24 days and this is 300.

**Ms. Bryden:** That is right, compared to 300.

**Hon. Mr. Wrye:** But I think the disruption level of the CNE is certainly a much different one. I would not agree with her analogy, in terms of Maple Leaf Gardens, that somehow there are more people in her area, the Woodbine area, than there are around Maple Leaf Gardens. There are an awful lot of high-rise buildings and there are an awful lot of individual single-family-dwelling buildings. Even if there were more in her area than around Maple Leaf Gardens, I think my point is made. I do not think we are going to add up numbers here in terms of whether we are disrupting only 4,000 at Maple Leaf Gardens as opposed to 10,000 at Woodbine. The principle is the same.

**Ms. Bryden:** Are you convinced, as Mr. Kwinter was, that the municipality can solve the problem with its present powers? Why are they coming forward with a private bill? They have found they cannot solve the problem in the last two years, when it has become very acute.

**Hon. Mr. Wrye:** The deputy may want to say something.

**Ms. Gibbons:** I think there are at least three points worthy of making. The primary function of the Ontario Racing Commission, as you know, is to set schedule dates. It has no

jurisdiction in the parking and traffic area. There are very many municipalities across the province that would resent mightily any intrusion by the racing commission in the issue of traffic and parking.

The Ontario Jockey Club worked very hard to try to accommodate the parking issue by extending its current capacity and working with the police—

**Ms. Bryden:** That is unnecessary and irrelevant.

**Ms. Gibbons:** —to see if they could maximize their patrolling on those days to control the parking. We monitored it quite closely for a while and are advised by the local staff sergeant that the parking situation, in terms of the irritant to the residents, has been ameliorated considerably.

There is also the outstanding issue that even if we were to decide for some reason that Sunday racing would be outlawed in that area, there is reason to believe that constitutionally we would not win a battle, if the OJC decided that was discriminatory in terms of its capacity to run its business and a practice that is not imposed on any other sporting jurisdiction. I do not see that we have a solution available to us that would stand the test of a legal challenge.

As the minister said, we hope the efforts of the jockey club beyond the parking—changing dates and trying to accommodate the local concerns—will over time assist to improve the relationship between the residents and the racetrack.

**Ms. Bryden:** They are changing dates not to accommodate the residents but to accommodate greater profits, greater crowds.

**Mr. Chairman:** I would like to recognize Mr. Miller for a supplementary.

**Mr. Miller:** I would like to make a comment. We have dropped down to Greenwood occasionally. We have a lot of horses that are trained and come in from our area to participate in the racing there. Any time I have been there, I have never seen anybody parking on the streets. There is a tremendous amount of parking facilities at a very reasonable rate. You can get parking from \$1. You can even get preferred parking for \$6, and they will park the car for you and bring the car back, which in Toronto is very reasonable. I have never seen anybody parking on the street, but you live there; I am not denying that.

**Ms. Bryden:** Every space is taken.

**Mr. Miller:** We see our people using it. It is providing a service for our farmers in our area and it is a very nice facility. I just cannot



understand why it is causing such a problem in the area, because they do have excellent parking. I can see when coming out after the race that there is a jam. Everybody wants to leave at the same time. But on the nights they are racing in other areas, there is only a handful of cars and there should not be any need for anybody to park on the street. It is only if they have an overflow of cars.

**Ms. Bryden:** The residents have monitored it. Every lawn and every driveway was blocked until we started this tow-away zone.

**Mr. Miller:** Would it not be a municipal responsibility to make sure that they do not park? Because when there is adequate parking, they do not have to use that kind of parking. They can use the facilities that are there. It is much easier than going to Maple Leaf Gardens or the CNE, I will tell you that, or any facility. It is much easier to get access to Greenwood. As I say, I have never seen anybody even having the intention of parking on the street.

**Hon. Mr. Wrye:** I think Mr. Miller makes a good point. You alluded to it yourself, Ms. Bryden, in talking about being on lawns and driveways until they started using the tow-away zone. Again, that harks back at least to some extent to the municipal option, which is that this municipality, as in mine and others, simply does not tolerate on its major streets and major thoroughfares parking beyond a certain time into the rush hour.

Suppose you have a car parked on University Avenue at this hour, at 4:05. I used to maintain offices down a little farther on University Avenue and I can assure you that by now the trucks are undoubtedly hauling somebody off University Avenue and they will continue to do so until 6:30. It is the same on Bay Street and the like.

I think the police became convinced and continue to be convinced that there is a problem in that particular area of east-end Toronto. For reasons of our changing climate, I suppose we probably would not put a Greenwood there today were we to start all over, but it has been there a while too, as have the residents. To the extent, though, that there are actions on the part of those who are patrons of Greenwood which really intrude upon the rights of those who live in the area, then the police have in the past and will in the future take all the appropriate action.

Beyond that, I want to re-emphasize and put on the record that this is a very important track, not in and of itself, but for the entire Ontario racing scene. It is a very important track. In these winter months it is a lot easier to get there than to

Woodbine and it is an integral part of the whole Ontario picture. The impact that this track has and that the activities of Greenwood and a number of other larger tracks have on smaller tracks all over the province is really immeasurable. My colleague the member for Niagara South (Mr. Haggerty), who has Fort Erie in his riding, right now has or very soon will have several hundred people employed at his track doing intertrack out of Greenwood.

The smaller tracks depend very much, in many ways, on the success of Greenwood for the spillover effect into their smaller tracks. In many smaller communities in this province, the racing industry is of much greater importance than it is to the overall economy of Toronto and certainly, I would think, in terms of down Mr. Miller's way, with breeding stock and the like. There are a number of breeding farms. It is a very important industry, and Greenwood plays a very important part in it.

I want to tell you and I want to assure your residents and your constituents whom you have worked hard for on this issue that we have looked long and hard at it. We think the controls that are in place are about the best we are going to be able to have. The deputy has made a very good point constitutionally. It is certainly no judgement of ours that if we were to move against Greenwood, we could sustain the matter against a challenge from the Ontario Jockey Club.

I assure you that at any time, if your concern is that things are slipping in terms of whatever measures we can put in place, you can feel free to get in touch with me or with Mr. Drea's office and we will pass your concerns along to the municipality. But I know you know the number much better than I do.

**Ms. Bryden:** Would you consider democratizing the Ontario Racing Commission so that it is not almost 100 per cent representative of the racing industry? Should the public not have some representation?

**Hon. Mr. Wrye:** I think over a period of time we can, while I have no problem with saying that I think this particular commission has done just a terrific job. You need only look at last year's bottom line and the fact that Ontario is, as I said in my statement this morning, now the second-largest racing jurisdiction in North America.

It has done for the very first time over \$1 billion in handle and has had growth in terms of its people in the industry, under the leadership of Mr. Drea and the commission, ever since this government took office. This commission has done a particularly good job. That being said,

members of the commission—of any commission, board or agency—will know that appointments come up on occasion, that we have turnover.

1610

To the extent that you make the point that there should be members of the broad, general public added, as opposed to the commission membership now—which you are quite right to say is industry-based—I will take a very careful look at that and take your views into serious consideration. Frankly, to some extent, I do not have a problem with that. In terms of meetings, we will do the same.

I remember the appointments being made in 1985, shortly after we took office. Mr. Drea and members of the commission were appointed. It was the view of the Premier (Mr. Peterson) and the view of the government that the commission needed a good industry focus to really begin to kick-start it back. The climb, as you know, had been fairly steady. We are talking about 45,000 to 50,000 jobs here, and that is nothing to be sneezed at.

I think that Mr. Drea and the current commission and the membership have really turned that around. You say it may be time to move on to other things. But I think it has been very appropriate to have a commission which has obviously proved out very well in terms of its expertise in the racing industry.

**Ms. Bryden:** Just one final comment. I appreciate the time—

**Mr. Chairman:** Could I interject for a supplementary? I think Mr. Haggerty wanted to comment on that.

**Mr. Haggerty:** Yes, just on that point. I had the opportunity to fly over that area with the airship—I think it was Foster; I do not know whether it was Foster Advertising, but it was advertising something—and we flew over the Greenwood Race Track. I do not think there was any racing that day; it was on a Thursday, I believe.

But the activity there, on perhaps one of the hottest days this summer, was at the Beaches, the park there itself. There may be some difficulties when you have the attraction that people want to get to the lakefront while the racing is going on, but maybe much of the traffic problem is generated down near the lakeshore too.

**Ms. Bryden:** They do have difficulty getting there through the congestion.

One final point, though, Minister: If you want to expand the racing industry, why not use the

tracks in the rest of the province? Why did you let the Ontario Jockey Club—it was not you, it was previous governments—buy up and close down a number of racetracks in this area?

In effect, it seems to me you are building up the Ontario Jockey Club but letting the residents take the entire burden of that buildup, when you should be expanding racing, if you wish to or if the industry wishes to, in other parts, such as Woodbine, Windsor, and so on.

**Hon. Mr. Wrye:** I share your views in terms of making sure that we have a solid racing industry all over Ontario. You will know that in the last year we opened up the Hiawatha Horse Park in Sarnia. It was opened last July and had 20 or 30 racing dates and is trying some unique ventures whereby it will not just have horse racing, but in the winter it may have intertrack and also have some other forms of gaming: bingo and the like. I see the deputy smiling. It has been an interesting experiment.

But as well, with the work of the racing commission, we have preserved and enhanced the situation at Elmira, which was very close to closing last year. We have got the Kawartha Race Track in the Peterborough area open again, and it had a very successful year last year. Through the racetrack assistance program, we have poured a lot of money into a lot of small tracks which had nowhere near the kind of capital that was required to upgrade their facilities to attract the kind of people that you and I both want to attract.

I happen to have a racetrack in my riding as well. I want to assure you, as the minister in charge of horse racing, that I am very dedicated to making sure that the racing industry is solid; not just here, with Woodbine and Greenwood and the other OJC tracks, but a solid industry in all of Ontario. There is a lot of employment here and we want to make sure that it stays and indeed is enhanced.

I am pretty proud of the fact that we are in second place in North America and that our attendance continues to increase, albeit fairly marginally, at a time when most of the other provinces and states are having attendance that is going in the other direction.

**Ms. Bryden:** But most of your growth has been at Greenwood, and this is what is unfair to the rest of—

**Hon. Mr. Wrye:** It has been very successful at Greenwood and at Woodbine. The OJC tracks have obviously marketed something very well, because they have had some very successful times.



**Mr. Chairman:** Could I make an observation? Three of the four tracks that are in the Ontario Jockey Club purview have been mentioned and the fourth, and I think the jewel of the four, is the Mohawk Raceway in my riding.

The reason for mentioning this, Ms. Bryden, is that I taught at Birchmount Park Collegiate for six years before coming to this place. I want to say two things. One is that one application of Greenwood that you may not be aware of is that every family in the part of Scarborough that I served was very aware of Greenwood Race Track. I taught mostly general level mathematics, senior level, and teaching things in probability from that track point of view was often the only way I could maintain interest in the classroom setting. It is an application of its value to the community that you might not be that familiar with.

The second is that when we look at a rural area like my own that has something in the order of 3,000 acres of recreational area and most of it is used by folks from the Metropolitan Toronto area, one of the arguments I use all of the time is that we have to share this recreational opportunity. I know that a lot of the people who use the beaches adjacent to Greenwood are using Hilton Falls Conservation Area and the other ski trails and the cross-country facilities out our way.

I think we have to look beyond the individual community like this, because it is an Ontario-wide problem and because recreation is probably the biggest growth area in the province, looking towards a satisfying kind of life down the road. I think we have to look at things like the tow-away to get rid of the cars; because the jockey club, I know, put in enough parking, you admitted that. The problem really is to get people to park where the parking is, not on somebody's front lawn.

On the magnitude of the business, the horse industry in Nassagaweya township, just to give you an idea of what is involved, my best guess is that there are something like 30,000 horses of various types out there. I structure it this way: There are 16 full-time vets in the area and 14 of them are known as horse vets, and to be a horse vet and be successful and live on it, you need about 2,000 horses. So there are something like 30,000 horses in that part of the country. It is a great big industry, and not just the racing part of it. It is becoming one of the biggest export industries in the province, because what they are doing is selling a lot of stock outside of Canada. It is not just a simple thing.

With respect, I think your points about growth and that kind of thing are very pertinent and could

be conveyed to the jockey club very directly by the minister and myself and others who are interested in this particular industry. But to look at it from a democracy point of view from the Ontario Jockey Club, I really think there should be public input but it cannot be from the point of view that you close down an operation like that. I think it should be to raise the awareness level of the concerns of the community so that those concerns can be handled in a logical way so that it continues to be a vibrant industry in the province.

**Ms. Bryden:** You are going to have to amend the legislation or challenge that court ruling, because the court ruling said the jockey club has no mandate to listen to the residents. That is something that I do not think a democratic province should be allowing; to have a racing commission that has no mandate to listen to the residents or pay any attention to their concerns.

**Mr. Chairman:** I think that is an excellent suggestion. Thank you very much for a very fruitful discussion.

**Ms. Bryden:** Thank you.

**Mr. Chairman:** Mr. Farnan, I believe you prefer to finish your statement before—

**Mr. Farnan:** I want to thank my colleague the member for Beaches-Woodbine (Ms. Bryden) for coming in and so fully addressing this issue. I think the residents of her constituency should be made aware that whenever we have estimates debates, this member has appeared to present the concerns of her constituents at every opportunity and she is to be commended for that.

I listened to the dialogue very carefully, and frankly I am at a bit of a loss. I am somewhat in awe of the manner in which the minister handled the interaction that took place; really I am at a loss. In this brave new Liberal world, in the largest racing jurisdiction in North America in 1988, with 1,900 race dates at 23 tracks where wagering topped the \$1-billion mark, an increase of nearly nine per cent, etc., I heard the minister say very clearly that he would make a commitment to the industry.

**1620**

I think that is fine, but I did not hear the same kind of response, the same kind of commitment to the residents of Beaches-Woodbine in your dialogue and interaction with the member for Beaches-Woodbine; and that is sad. In a very cynical manner I look at the Sunday shopping legislation and say, "These residents can move out of their area, go to a mall and do some shopping when the races are going on on



Sunday," but that is not the vision of Ontario that I think is worthy of the government.

I would like to have heard the minister say in his interaction that he would be prepared to go to the wall for the residents of Beaches-Woodbine, for a fair balance between the intrusion of the racetrack and their rights to a residential neighbourhood, whether or not that is five days a week, and be able to say to the member for Beaches-Woodbine, who has fought the good fight on this issue for God knows how long—

**Ms. Bryden:** Five years.

**Mr. Farnan:** —be able to say the member: "We will test this case for you, so that they will get some modicum of relief. They will have two days a week to be free from that kind of intrusion."

I have heard the Liberal members of the committee saying, "When you have 14,000 cars coming in, you learn to live with it, to accommodate, etc." We are talking seven days in some cases, over 300 days per year. Who would want that kind of intrusion into their neighbourhood?

**Mr. Haggerty:** I don't think there would be 14,000 cars.

**Hon. Mr. Wrye:** I would not want it left unchallenged on the record that I have no care or concern for the residents. I join with my friend in saying that the member for Beaches-Woodbine has worked very hard and diligently on this issue and I congratulate her for it. She has done what a local member is supposed to do, what all of us try to do.

My colleagues who have been around here a while—Ms. Bryden is one of them, and Mr. Miller and Mr. Haggerty; I am still compared to the three of them, just like all of you a relative rookie—one of the reasons they are sitting here as survivors, just as strong as they were so many years before, is that they have done this kind of work for their constituents.

Over the years that Ms. Bryden and the residents have raised this issue we have made progress, and I want that to be on the record. There is much more parking today, as Ms. Bryden will acknowledge, than there was five years ago when she started this fight—

**Ms. Bryden:** That is no solution.

**Hon. Mr. Wrye:** There is a lot more concern by the track and there is a lot tougher action by the police on matters that are of municipal jurisdiction than there was five years ago.

When I say "the industry," I would not want the impression left that we are talking about the

high and the mighty here. We are talking about thousands of people who are ordinary working people, waitresses and waiters, grooms, parking lot attendants, many of whom on the back stretch, interestingly, are people for whom the opportunity to work in the horse racing industry is an opportunity for employment. If it were not there, that would create employment difficulties for them. First of all, many of them have found a niche. Others are not easy to employ and have been there for a very long time. Those are the people who are affected to some extent by the Greenwood issue.

It is fine to say, and you can say it, that we should challenge this and take this thing forward. Even if I were to cast aside those other reasons I have just stated, which lead me on balance to say that I think we try to balance it out by doing our best for the residents, and then acknowledge that we have an important industry and an important number of people to preserve there. I am not sure I would be willing to say to my colleagues and to recommend to my colleague the Treasurer (Mr. R. F. Nixon) that we should expend provincial dollars in a futile court challenge.

Nor am I sure that the Attorney General (Mr. Scott), whose opinion would count very heavily here, and his ministry officials would not say pretty firmly to the government, if it were our view in this ministry to go forward to test the waters: "This is not a good idea. There are implications. Not only do you maybe lose this case, but it could have other implications." It is sometimes easy to say, "Let's go ahead in court and challenge it," but if your chances of winning are almost nonexistent you may be throwing away \$20,000, \$30,000 or \$40,000, as these court cases plus appeals are very expensive and the problem is not easy to solve.

**Ms. Bryden:** You can always amend the act.

**Mr. Farnan:** I suggest that the longer you leave in place a system that permits opening six and seven days a week, your potential to challenge successfully becomes less and less. Indeed, this government may have lost its opportunity to challenge successfully by not being more forthright in the first place. Time sets a situation in place that sometimes makes it impossible.

The other thing I would like to mention is the very simple suggestion of my colleague to have public participation in a democratic manner. Your answer to that was extraordinarily nebulous. It was a wonderful piece of "Yes, Minister." I could have been watching TV as you gave that answer.

**Hon. Mr. Wrye:** Then I will not add to it.

**Mr. Farnan:** It was just a beautiful sort of sponge that said: "We'll look at it. It's interesting. Maybe 40 years into our mandate as a government, we might get around to that at some stage." That really was just absolutely extraordinary.

I cannot understand how a government with a Premier who campaigned with his sleeves rolled up and his tie undone, reaching into the crowd to shake hands and projecting this new government as open and accessible, can say, "Hey, we're not going to have democracy on these boards, except maybe 20 years from now, and hopefully you'll forget it by then," if there is not a Marion Bryden to fight these causes. As long as she is here, I suspect this member will ensure that it remains a concern.

**Hon. Mr. Wrye:** There will be a Michael Farnan and a Marion Bryden. You will want to note that for the record, for when you are reviewing this year's estimates when we come back here you will see what progress we have made.

**Mr. Farnan:** We are hoping we will only do that for a year or two and then maybe we can implement some policy changes.

**Hon. Mr. Wrye:** We will see how we have done next year.

**Mr. Farnan:** I want to try and get through this pretty quickly. In the estimates debate for the Ministry of Tourism and Recreation I brought up an issue. It concerned the price of gasoline going up just prior to a holiday weekend; the price invariably jumps. The Minister of Tourism and Recreation (Mr. O'Neil) mentioned that it was a federal jurisdiction, etc. It is always at the time of year when people are having holidays or visiting family, prior to a heavy-use weekend; and it is not just one or two competing stations, all of them seem to realize this is bonanza time.

The Minister of Tourism and Recreation suggested I bring this matter to the attention of the Minister of Energy (Mr. Wong) or the Minister of Consumer and Commercial Relations.

**Hon. Mr. Wrye:** I will get even with him.

1630

**Mr. Farnan:** I pressed the Minister of Tourism and Recreation for it in his estimates, and basically I suppose the bottom line I asked for was—perhaps, minister, you can give us an assurance that you will direct your staff to investigate and see if there is any possible way provincial intervention can be exercised to bring

these companies to task and demand that a regular price be charged, particularly at holiday seasons, and more generally throughout the year.

I had a package on the bereavement industry, but I think I am going to leave it. When will this legislation be coming through?

**Hon. Mr. Wrye:** That is subject of course to the House leaders, but I think we will be dealing with the package in the spring. We are very close on this. You and I both know—I will not try to be cute—that we are going to be out of here next Thursday. I am working hard. I would like to have something to share with you before we get out of here, but certainly the fuller debate will take place when we come back in the spring. Perhaps, if it is your will and the will of the third party, or indeed of the government members, we will have debates and committee discussions in the summer.

**Mr. Farnan:** If I leave this aside now, and I would prefer to do so because it is a fairly lengthy package, perhaps we could agree to meet. I would like some of your ideas on what I have together here prior to the introduction of the bill.

**Hon. Mr. Wrye:** To be fair to you, you can put your views on the record if you want. I noted that your predecessor in this critic's role seemed to have a point of view on some of these matters, which I am sure you share. The views of the former member for Welland-Thorold were well known, well documented and have been well considered. I can tell you we are very close on legislation.

My cabinet colleagues have given a lot of consideration to this. Within that input there has been consultation with any number of groups, and certainly the views of the former member for Welland-Thorold were well considered. I do not know whether that helps you or not. I would like to be more helpful than that but I cannot, other than the fact that I can certainly assure you we will be dealing with this matter in the spring.

**Mr. Farnan:** Okay. I think I will leave that aside then. Basically, we will have the opportunity to discuss it later.

There is another issue from my predecessor that I want to talk about today, because ultimately, I suppose, I want to talk about the auto insurance issue. It is the role of the public advocacy system.

The problem of competition and corporate concentration is an issue that I would have dealt with in terms of the bereavement industry, but that poses certain problems, as I think all members of the committee are aware. The United States has done a great deal more than our



jurisdiction to ensure competition in its business community and a great deal more in the area of public advocacy. Probably because of the emphasis on the free enterprise system in the United States, there may be a greater need and demand for this public advocacy system. Where competition does not exist and sometimes cannot exist, such as with public utilities, the consumers are given adequate protection.

It was some 13 years ago that New Jersey was the first state to do it in the United States. It initiated the office of a public advocate, a consumers' Ombudsman. It has now spread to over 40 states. The public advocate's office deals in all kinds of consumer-related areas. I am going to pick up on a couple of points made by my predecessor, Mr. Swart, and highlight those.

In this province, when there is a hearing on Ontario Hydro rates, natural gas rates or Bell Canada rates, there is no equality in the presentation of the two sides. Basically, these public utilities can come in with very expensive legal advice and very expensive experts in the field and put forward a presentation that can in no way be matched by consumers' associations. Very often there is no one arguing for the consumer, or if there is someone arguing on behalf of the consumer, there is a very strong, heavy imbalance.

This is one of the reasons the utilities were able to obtain very significant increases. With the public advocate system in the United States, if utilities want an increase in rates, they must apply to the government. Then the public advocate takes over and the cost of that public advocate is borne by the companies. They are assessed the costs.

I want to apply this to the auto insurance situation. I argued at the committee and in the House that in establishing the Ontario Automobile Insurance Board, there should be significant consumer representation on the board. The minister will remember that those motions were defeated, both in committee and in the House. In fact, I moved an amendment that would have ensured a significant percentage of board members.

It was interesting that the member for St. Andrew-St. Patrick (Mr. Kanter) suggested that there were consumers on the board. He said that anyone who drives a car is a consumer of auto insurance and therefore all the members of the board are consumer representatives. I think we know we were playing games there.

Without consumer members on the board, we then fought for the costs of consumers to present

the case to the board, that these should be covered by the insurance companies. We all know that when the insurance companies go before the board and spend \$1 million or whatever on researching a tremendous presentation with their vast staff, the consumers pay for that. It is the drivers of Ontario who pay for that presentation before the board, arguing to sock it to the drivers of Ontario. It is an insane situation. We are paying the insurance companies to go out and do studies that will make us pay more money.

We argued that the insurance industry should pay for an equal sum of money to be used for consumer groups to research the arguments to protect the consumer. Obviously, it is still the driving public that would pay and would end up paying on both sides of the coin.

#### 1640

I think what we saw take place at the Ontario Automobile Insurance Board and at the public hearings was exactly what we feared: a board without significant consumer representation and a board that heard extraordinarily powerful, well-researched presentations. There were some questions about the figures and perhaps the relationship of some of the presenters to the insurance industry, but certainly anybody who followed the process would recognize that a lot of money went in on the part of the insurance industry to make the best possible case.

Their efforts did not go unrewarded, because on the other side you did not get the same kind of financial investment to protect the consumers of Ontario. It should have come as no great surprise when the auto insurance board designed a system of guaranteed return of investment of up to 12.5 per cent.

**Mr. Sola:** On a point of order, Mr. Chairman: I would like to correct the record on that. He said "guaranteed" return on investment. It is a recommendation, not a guarantee. I do not think we should be—

**Mr. Farnan:** I think the auto insurance industry has said it will be going for the top end of what was allowed.

**Mr. Sola:** What they will be going for and what they are given are two different things. They have the choice.

**Mr. Farnan:** They can go for the 12.5 per cent without going back to the board. They can make that kind of guaranteed return on investment without the board interfering in any way. When they go above that range, then they come into conflict with the board.



What you have is the worst of both worlds. You have all of the public investment being guaranteed to private industry, this public investment giving them a guaranteed profit. There is absolutely no risk. That range is at 12.5 per cent. It is the consumers of Ontario who will pay for that. I believe they will pay for that because the Liberal government did not guarantee two things: consumer representation on the board in the first place, and adequate consumer funding in order to make presentations to the board to protect consumers.

**Mr. Sola:** I point out that the recommendation of the board was 0.4 per cent below the low end of the recommendation by the Consumers' Association of Canada. The Consumers' Association of Canada recommended eight to 10 per cent—

**Mr. Chairman:** Could I interject? I think you are getting into a dialogue here. The minister has indicated to me that he has some full and complete answers to previously posed questions here. I would like to observe that the time is 4:45 p.m., Mr. Farnan. Around five o'clock, I would like to give the minister an opportunity to give some of these answers.

**Mr. Farnan:** I will accept that. I believe the member is talking about two different things, the base increase—

**Mr. Chairman:** I really should have ruled him out of order.

**Mr. Farnan:** Did you say the minister has—

**Mr. Chairman:** I would like you to continue for another 10 or 15 minutes and try to finish up by five o'clock.

**Mr. Farnan:** I do not think I can last that long.

**Mr. Chairman:** Would you like the minister to reply now, then, because he is ready to give you some answers?

**Mr. Farnan:** Okay, I will be less than that time, I believe.

The public advocate's office in the United States handles a great variety of matters. It handles public interest advocacy in that it is authorized to be involved and to represent the public in such things as major environmental hearings, waste disposal sites, nuclear power plant locations, etc. It is involved in citizens' complaints, which is probably part of what you do but certainly goes way beyond that.

It represents the public at the major hearings. It has as much in the way of resources as the companies themselves have. You have a situation where there is some equality between the two sides. You are not in a situation where the

major utilities are going in, whether it is the gas company, a hydro company, auto insurance groups or whatever and the consumer is simply being crushed by the power of the funds that the consumer is actually paying to those companies. It is the most ironic situation imaginable, that the consumer is being shafted with his own dollars.

I certainly would like to see you, as the consumer minister, develop some kind of a system whereby funding would be available on a much more generous basis to consumer groups to defend themselves against these public utilities.

I want to ask you four questions in terms of the Liquor Control Board of Ontario agency stores I asked you already, but I will just briefly put them. What guarantee is there that the LCBO will not issue agency licences without discretion in the future?

**Hon. Mr. Wrye:** I am not sure I understand that question.

**Mr. Farnan:** What guarantee is there that the LCBO will not issue agency licences without discretion in the future? Basically, what I am pointing out is that there are agency stores within the 25-mile and 35-mile limits. This criterion has been ignored in the past. In several towns, these agency stores are co-existing with government stores. There is the whole area of what is a reasonable profit for an agency store. In 1985, for example, the agency store in White River sold over \$500,000 in liquor. This is a store that co-exists with an LCBO store. What is reasonable?

The second question would be, will the spread of agency stores force the closure of government-operated low-volume D stores? Third, will for-profit owners demonstrate the same degree of vigilance in turning away customers who are unfit to purchase alcohol? Fourth, will agency stores be established in areas which have supported or could have supported a government store?

I think that is probably a big fear of the employees within this field—the feeling that once you allow the 25-mile to 35-mile limit to be eroded, then you plant your agency stores in a location close to the LCBO store. Soon you are in a position to say, "Well, maybe we do not need the LCBO."

**1650**

I am concerned about the lack of communication that is taking place between the LCBO employees and the ministry. Certainly, there seems to me, as an observer, to be some friction, and it seems to result from uncertainty. The employees do not seem to know what the game

plan of the ministry is. I almost get the impression that there is a lack of trust, that the employees are in a situation of saying: "We really don't know what these guys are going to do. They may have a game plan, but we are certainly not party to it and don't know what it is."

I am not sure if you can organize yourself in the long haul this way. You reveal one little card and they wonder what else is in your hand, and then you reveal something else. I think it would be worth while saying to the employees, "This is our game plan over the next 10 years, the next 15 years." That might eradicate or get rid of some of their concerns.

Okay, I want to thank you for your patience.

**Mr. Chairman:** I guess we are expecting a full and complete answer.

**Hon. Mr. Wrye:** Let me work backwards. Let's start with the LCBO. I think you have raised some good questions and I want to try to deal with them. The member raised a number of questions, and it may be useful for my colleagues who are from urban areas to know a little bit of background on this.

We had some 72 agency stores in northern Ontario. Back in the dying days of what I like to call the halcyon regime, either then or in the early days of this government, a freeze was put on the further expansion of the agency stores in northern Ontario while a complete look was taken at them. As a result of that report, we had a number of discussions. We formulated proposals which went to and proceeded through cabinet.

We have now done two things. We have lifted the freeze on agency stores. As colleagues will remember, as we headed off to Quetico to our caucus last year, we went zooming by a couple of those agency stores, which have certain criteria which were to be met. In the past, they were to be no closer than 40 kilometres from the nearest LCBO in the north. We have now narrowed that to no closer than 10 kilometres. They must meet certain population criteria—700?

**Ms. Gibbons:** Five hundred.

**Hon. Mr. Wrye:** Five hundred. Of course, they must be opened on a fair basis. There must be a fair process by which we determine the opening of the store.

As well, in lifting the freeze, we moved for the first time into southern Ontario, and we have begun a pilot project in five areas of eastern Ontario. I cannot remember the names of the communities, but I can tell you one is in Mr. Poirier's riding, so you will know it is east of Ottawa. Two of them are in Mr. Villeneuve's riding, which is immediately to the south and

west of Mr. Poirier's riding. One is in Mr. Runciman's riding, and I think the fifth is closer to Toronto, but they are all five in eastern Ontario.

Again, we are following the same concept of consumer and customer convenience, i.e., the same fair treatment for customers and consumers in lightly populated rural areas as the five of us in the room right now, the quorum, who all happen to be from urban ridings, expect in our own areas.

With that background, there are a number of issues that Mr. Farnan has raised: first, a guarantee the LCBO will not use its discretion. I think Mr. Farnan is referring to the fact that in the past, for example, we have had agency stores sitting overly close to LCBOs, and as communities grew, those agency stores did not close down.

There is an agency store in Thunder Bay that I think you may be referring to within 15 kilometres of the nearest LCBO store. It was built, actually, after the agency store was established.

Without being too cruel, since the third party is not here, there was a suggestion from the LCBO that once it had its own store it was to close the agency store. Somehow, the government of the day could not see its way to do that. I will leave it at that.

I cannot give you an ironclad guarantee, but we intend to run this on a businesslike basis and we intend to run it properly. The proposals will be done properly. We have been very careful in crafting that, and certainly I say to you as minister, having worked with my ministry officials and with this board that we now have in place, we intend to do things fairly, on the up and up, give people a fair and honest opportunity to make a return, yes, but also in a way, interestingly, serve their community.

Many of the grocery stores and small stores up in northern Ontario might not be able to exist without that small extra bit of income. That is one of the things—as you travel more through the north, and as I have travelled through the north, there is a real sensitivity you get—sometimes we forget that. There has got to be proper tendering, but certainly as far as I am concerned, this is being done and will continue to be done properly. In terms of a reasonable—

**Mr. Chairman:** Minister, Mr. Faubert has a supplementary on this agency store.

**Mr. Faubert:** Just on the agency store: Perhaps the minister could respond very quickly. During the last election my opponent—whose



party remains, I will not go into that—spread the rumour, because I found out where it came from, that the LCBO was intending to privatize its whole operation. I suggest that may have come from this need to extend the agency store. The actual concern was raised to me by LCBO staff. You can sense where this originated, but you may want to just comment on it.

**Hon. Mr. Wrye:** I will get to that, because I think that you are getting at one of the points that Mr. Farnan made. In terms of a reasonable profit, you know what the profit margins are now. It is 10 per cent of the first \$89,000 of sales; that is, \$8,900, and five per cent on sales thereafter. The note I have here, Mr. Farnan, is that the highest-selling agency store we now have did—last year, I presume—\$460,000 worth of business. I am saying that to staff, and I see nodding.

That is the highest of the 72 agency stores anywhere. Only 10 out of the 72 sell more than \$300,000. The White River one—I think that was the one you raised—did reach, in 1983-84, \$491,000. This was during a gold rush in the area of that year; it was a onetime thing. I think, very clearly, if we saw a pattern of great growth—if we had established, several years ago, an agency store north of Toronto—as the boom moved out there that agency store would go and an LCBO would open.

**Mr. Farnan:** What are the criteria where you say, “We have an agency store, and now we are going to make that into an LCBO?”

**Hon. Mr. Wrye:** I think the LCBO wants to feel that when you add all our costs—the costs of running the operation; the labour costs; the cost of leasing, buying or building a building or in some cases a trailer; heat, light and all of that in addition to the fixed cost of the product; and once you have opened an LCBO store, having a wider range of products than the agency stores offer, because they offer 70, 80 or 90 products and even a typical D store would offer a few hundred products, I believe—we can get a proper return and make a business case, because that is what this is, a business. It is out there to be a customer-driven business in many ways, but it is nevertheless a very important business, the largest liquor monopoly in the world.

**Mr. Farnan:** Are you prepared, then, to withdraw a licence from an individual who has an agency store?

**Ms. Gibbons:** For what reason?

**Hon. Mr. Wrye:** In terms of growth?

**Mr. Farnan:** Yes.

**Hon. Mr. Wrye:** Yes, sure. The problem is that in the north, the reason you have not seen that is that by and large, with the exception of the agency store in Thunder Bay and a couple of others, we have never gotten that close. We have this situation we will be monitoring closely—

**Mr. Farnan:** Would that not be a tremendous signal to the employees of the LCBO if, in that particular case, you were to say, “Okay, we are withdrawing this agency store because we have an LCBO store here.” That would clearly define the route that you are going, because at the moment the Ontario Liquor Boards Employees’ Union, I suspect, is working under a real apprehension that you are spreading the agency stores, starting in the north, appearing in eastern Ontario, soon to move down to central and western Ontario. “Where does it end, what are the guarantees and what is our future within the LCBO?”

1700

**Hon. Mr. Wrye:** Let us just put a couple of numbers on the record. Let’s take one of these stores that does \$300,000 in business a year. That is over, approximately, give or take, 300 days a year. If my mathematics serves me correctly—and with the chairman having explained to you earlier today that where he comes from I had better be correct, so if you will do the quick new/old math, Mr. Chairman—that means that that store is doing \$1,000 a day. At the price for beverage alcohol today, you can see that it is not exactly busy. It is not like the larger stores. I think, in terms of being a properly-run business, that that one has to be very careful.

I want to say to the liquor boards employees’ union—I have had a number of meetings with Mr. Miles and members of the union and I find them very frank and very useful meetings. I have the highest regard for that union.

Just as an aside, I want to put on the record, because I think it is useful for my colleagues to know, that I was at an event last week in my own riding, the Windsor Classic indoor games for the physically disabled. There are a number of sponsors for those games, which are now in their fifth year, including a number of corporate sponsors, the kind of which we always see. One of the sponsors of those games, which have almost 500 participants from all over North America, was the liquor boards employees’ union in my own community. I think that is really a tremendous thing it is doing. I mean, I have the highest regard for that union.

They will know that as this province of ours—we were talking about growth earlier



today—grows and we open up more of those very large stores, not D stores but A stores, which have managers, assistant managers and numbers of full- and part-time employees, the growth of that union, like the growth of this province, is going to continue. Will every D store in Ontario last for ever? I cannot make that promise. The board has moved with great sensitivity. It is a board which includes, by the way, and I want you to know this, John Fryer of the National Union of Provincial Government Employees. John is certainly there to bring the sensitivity of the trade union movement to the board of directors of the LCBO.

I understand your point in terms of whether this could lead to D store closings, particularly with this expansion into eastern Ontario. That is why we have only gone with five communities. You will note that the government could have simply decided, "We will open it all up and away we go." Instead, we have carefully chosen and are market-testing five communities. I do not know the total number of stores we could have opened in eastern Ontario, but it would probably be four or five times that, maybe a little more.

We want to see what impact that has on D stores and indeed on C stores. You are right. We want to monitor that very carefully. I give you an assurance that we will look at that carefully. Can I make you a promise that no store anywhere in this province will ever close? No, I cannot.

I can promise you that we will more likely see what we have had all over Ontario since I have been minister, and that is a continuing opening of new stores. We will have a very exciting new venture opening in the north end of Toronto. I believe the staff are already on board. One store, it is a very large store, is going to be bringing in—I expect to be out for the opening, I believe in early May, and would be delighted to have you join me that day—20 or 25 employees in that one store alone. I think its impact was to close down one nearby D store: one of the smaller stores in that northwest quadrant of Toronto. So the employee obviously just shifted over to this new store. But the growth is upwards.

**Mr. Farnan:** Could you explain something to me, Minister? I am not sure of this in my own mind, so it is a question that is formulating it. When you reduce the distance from 40 kilometres to 10 kilometres in the north, does that mean that you increase the potential for a satellite of agency stores around an LCBO outlet to a much greater extent than existed prior to that decision?

**Hon. Mr. Wrye:** The deputy was making a point I was just going to make. Correct me if I am

wrong; jump in if your point is not exactly the same. It is not just 10 kilometres; there is a population figure as well.

**Mr. Farnan:** You mentioned 500.

**Hon. Mr. Wrye:** The deputy may know. Her executive assistant was at the LCBO at the time and worked very carefully with graphs, maps and all of that. As they put this matter together, their best estimate, which is not perfect, is that all in, in northern Ontario, eastern Ontario and in fact even if we went into southwestern Ontario, as they drew those circles all over the province where we might have the gaps in terms of LCBO because of lack of population, to get the population groups in we would look at maybe 200 stores in Ontario. We are now at 72, so that is an all-in increase of 125 or so, but I think we are some distance away from—

**Mr. Farnan:** Have you shared that plan with the employees' union, so that it can actually look at it and look at the location of the 200 projected stores?

**Hon. Mr. Wrye:** We would not be looking at a location necessarily. You would have an area and within that circle you could have a number of little communities where there would be three grocery stores and each one would tender. Do you know the answer, Ms. Gibbons?

**Ms. Gibbons:** Yes, the plan has identified five sites where an agency store could be placed. The employees at the LCBO would know, I am sure, through their internal communication bulletin—called *The Exchange*, is it not?—that we are going to tender in those spots so that the local community stores can advance their sense of why they should have a licence. I think it is fairly well understood within the organization that this is a pilot project, that it is aimed at five communities, that it will be tendered and that these communities are big enough to sustain on their own merits an agency licence that might bring in something in the order of \$300,000 to \$500,00 at most; certainly less than \$1 million.

**Mr. Farnan:** My conversations with the union suggest that where the ministry is taking a reasoned, rational approach to the issue, it can buy into it. They have their apprehensions and concerns. If there is confidence in the plan—and you say you have shared the five areas, but the 200 areas that you have identified—

**Ms. Gibbons:** We do not know whether we are going to go to 200. We know that we have an idea about improving service to communities that are at the moment quite a distance from local LCBO stores. We want to attempt to give them

some service and to do that in the context of monitoring the impact on the consumers and on the existing stores. It is not until we do this that we would have any sense whether or not it is in the LCBO's interest and the staff's interest to expand that across the province. It is very limited, controlled and to be monitored at this moment.

**Mr. Farnan:** But if that map is already in place and the work is already being done, and you believe that it is not going to negatively impact the existing LCBO outlets and in fact you are probably so open and sensitive to their concerns that if they looked at that map and came back to you and said, "Look, it looks pretty good overall, but here are one or two areas where we see a snag or two," would it not be better to have that kind of dialogue going on with the union at this stage rather than, as I suggested to you earlier, revealing your hand piecemeal?

**Hon. Mr. Wrye:** Remember, to come back to the point the deputy just made, one of the reasons we are doing these five projects in Finch, Crysler, St-Eugene, Kaladar and Janetville, all in eastern Ontario, is because we do not know all of the impacts. We want to be very careful. We can always roll those projects back. They will be tendered out as pilot projects and they can be rolled back if they have an effect we do not want to have. I am sensitive to the fact that we are dealing, now we are into eastern Ontario, with a different reality than we are in the north. I am very sensitive to that fact.

1710

I do not mind getting together with the chairman of the LCBO and having John Miles in and the members of the liquor boards employees' union and being very frank and candid and sharing with them what we can.

If they are to argue—and I want this to be understood—that no D store anywhere in Ontario should ever, ever close because that would affect two or three members of the liquor boards employees' union, thus that would be absolutely wrong and we just should not do it and consider it, I am not prepared to give that assurance. We are certainly going to have a net growth in the number of people who will be able, with the help of that union, to join that excellent organization; but will there be an impact? There always is an impact from change.

Over the years, the board has been extremely sensitive to it, extremely sensitive to understanding that if there is an impact, we will do everything we can to cushion it, including whatever movement is needed. To say that there

will be no impact on anybody in any organization, ever, you know and I know, from this profession and the profession you came from, Mike, that is just in a sense something we cannot ever promise. This society of ours is too dynamic.

But will we be sensitive and human and humane within being businesslike? Yes, I give you that assurance. I do not want to forget and I will put on the record that in terms of vigilance, because that is something the union has raised with us in the past, I make two points:

1. We have not had a problem in the north. That is not to say there has never been a problem, but the problems have not been extensive in the north.

2. Our tender allows us—and we monitor these things—to the extent that there is a problem, we will be tendering for a new person very quickly. These agency stores are a privilege which is given by a schedule 2 agency of the government of Ontario after proper tender. If the rules that we have set for their function are not observed, then we will find somebody else who will observe them, and I would think those who want to make a nice return have proven very sensitive to that in the past.

Most of these small business people are not only competent but very vigilant, very dedicated in rural Ontario, and we get very few problems in the north.

**Ms. Gibbons:** It is my understanding—Sam, you can help me if I am wrong—the executive of the LCBO did meet with the executive of the union to explain in detail the elements of the program, the scope of the project. I believe it would have been impossible for them to say, at this point, "Here are the other 50 communities this may go in," because as one draws circles on maps, there are a whole lot of factors that one needs to consider and one would not know at this point, without the benefit of the pilot, just what would be the implications.

I think any notion of rolling out the whole plan, "This is where the 200 stores will be," would not be helpful to anybody. They probably have heard from the executive what the outside number is, but since we are not sure that the outside number is 200 or 150 or 100 until we begin to experiment with it, I think it would not be to anybody's advantage or improved knowledge to say very much more; but they have been involved at the executive level in the union.

If you are telling me the communication has not gone down so that there is apprehension in the ranks, I think we could certainly undertake to ask



Jack to give a communiqué through The Exchange newsletter that they have to the staff to let them know it has been launched. I am sure he would commit to letting them know how it is going.

**Hon. Mr. Wrye:** Even more important, now that we have a number of areas—but let me close off on this, because you raised and made a good point about the employees being able to share the vision—there is a vision within this agency of one that can be run competently, in a businesslike fashion, and that can respond to the kind of dual concerns of a modern province and social responsibility.

I had lunch with the board on Monday or Tuesday of this week; I guess Tuesday. I left caucus early and went over and the board was meeting and I sat in on the meeting. They gave us an outline, not only of this new store being planned for northwestern Toronto but also of their strategic plan which has just recently been adopted and which we have now adopted.

Part of what the deputy and I spoke about with Jack and the board was the necessity to make sure all of this filters down to every employee; not just regional supervisors, not just store managers, but every full- and part-time employee who can then share that vision, because it is a good one. They are planning much better training. They are planning to train the staff in terms of many of the changes taking place within the industry so they are much more knowledgeable. They are making all sorts of very positive plans, and we have assurances that this will flow downward.

I want to leave it at that and ask you to—

**Mr. Farnan:** I am not sure you did not misinterpret me. That the plan flows downward is not the concept I or the New Democrats would endorse or promote. We would endorse a co-operative management system in which the employees were included in the development of the vision. Therefore, union representatives presently working within the LCBO would be part of the formulation of the plan.

I think that kind of partnership and ownership of a direction makes for total and solid support within the organization. If there are strains and stresses with some changes, it may be because one of the partners feels that it either was not included or does not have all the information that should be on the table. I think there is a lot of work to be done in meeting with the union and bringing it into partnership. Hopefully, it is a vision they will be able to endorse and support.

**Hon. Mr. Wrye:** I hear what you are saying. I am not sure we can entirely agree. We have a

board of directors within the LCBO which is set up by this government but which we try to make reflective of this province and reflective of the needs of the LCBO.

I make no apologies for the fact that a couple of the people we have added to the board of directors are good, smart retailers who come from big business and who know how to retail. This is a retail agency and we are going to run it as a business. We are going to run it professionally as a business. We did not put Steve Stavro or Dick Sharpe from Sears Canada on there after checking their political cards at the door; we put them on there because they are excellent retailers. They have brought tremendous new ideas to that board. We have also brought in a management team that is just first-rate, which comes from the private sector. I say that without apology. These are folks who know how to run a business, but can run it in a humane way.

**Mr. Farnan:** That should be reflected in high morale among the employees.

**Hon. Mr. Wrye:** The morale is not bad.

**Mr. Farnan:** I am not going to make a judgement call on that, but profit and efficiency are not the only motives.

**Hon. Mr. Wrye:** Absolutely. I could not agree more.

**Mr. Farnan:** I do not think anyone will question that appointments should be made on ability. I do not know the individuals and therefore I am not in any position to make a judgement call, but I have confidence that you would not appoint people unless you had confidence in their ability.

However, I do believe there is a management style that lends itself to including the employees in the decision-making process, at least to the extent of broad consultation with the employees before the decisions are made so that the employees, through their unions, through consultation, have ownership of the plan and the vision. I am suggesting and I am hoping that this is the process that is at work. I have not had exhaustive contacts with the employees of this area, but my feeling is that there are considerable areas of dissatisfaction and real uneasiness as to what is going to happen in the future. That could affect the morale negatively.

1720

**Hon. Mr. Wrye:** I will pass on your comments. As I said, there is no problem in meeting with John and with Jack. If your comments are true—I take them very sincerely—to that extent the board will be and should be



concerned. Those comments will be brought to the attention of the appropriate officials, and to the extent that we need to work harder, and maybe we do, with the union in an effort to give it certain assurances of our concern and our willingness to consult broadly and widely on these issues, we will do so. I thank you for your comments.

Perhaps I can move to a couple of other issues. I am going to deal with some of these fairly quickly. On the public advocacy system, I think I recognize vaguely some views that have emanated in the past from that side. We have moved forward in some areas. I will not get into the Ontario Automobile Insurance Board. The proper place to raise that is during the estimates of the Ministry of Financial Institutions.

In terms of advocacy groups in general, over the past few years we have considerably increased our support for the Ontario wing of the Consumers' Association of Canada. We are now up to \$79,000 this year; I think that is the figure. As well, the CAC plays a role on a lot of important boards. They are on the Ontario Motor Vehicle Arbitration Plan board, OMVAP; on the travel industry compensation board; on the Ontario New Home Warranty Program board; on the liquor licence board; on the Ontario Film Review Board. As well, we have been setting up our consultation on the legislative review project. We have plugged into the CAC right from the very beginning; not just the organization itself but also a number of other consumer advocates we know all over Ontario.

As we travelled the province, you will be pleased to know, not only did we talk to consumer advocates but at most locations, if not all, trade union leaders were invited on a number of occasions. We had an excellent presentation, I remember, in Sudbury from Local 6500 of the steelworkers' union. In a number of other locations, trade unionists showed up to offer their views on consumer protection.

As to the auto insurance board and the utilities commissions, those fall under other ministers. I certainly want to make sure there is a good and strong measure of consumer advocacy and, as consumer minister, representations that I think are appropriate or representations I will make to my colleagues in the solidarity of cabinet.

**Mr. Farnan:** We all appreciate the fact that there is funding for consumers' associations, etc., but when you rhyme off the boards and realize what funding is available, you begin to spread yourself very thin. The quality of the kinds of protection and advocacy you can

actually implement, the broader the areas covered, becomes less and less.

I think this is just a simple point. Would you go on the record as being concerned that when a public utility goes forward for a rate increase, the funding and expertise it is able to bring to placing its position before the board are much greater than the funding and expertise consumer advocates can afford?

**Hon. Mr. Wrye:** I think you would want to ask more of those questions of my colleague the Minister of Energy, but certainly there is no denying that in the past the various utilities have been able to articulate their case very well. I will be quite honest with you. I happen to know a former lawyer with Union Gas; he happens to be friends with my in-laws in Chatham. I know that whenever Union Gas's application was up, he spent a lot of time in Toronto.

At the same time, without ever having been at one of these hearings, I also know full well, having talked not only with him but with others, that the board hearing process is a very tough and rigorous process. The board itself in some ways—I would not want to describe it, because it is a board, as doing consumer advocacy—certainly has the expertise, the power and the ability to ask very, very tough questions of utilities.

Certainly, beyond that, you may want to make your case to my colleagues. I know we are in an age of greater intervenor funds and greater intervenor funding. I appreciate the point you make that there is something ironic about the fact that I pay for whatever and then it comes back with that person perhaps arguing against my interests at a board hearing.

I am not sure where that organization is to get the money from if it does not get it from me. It obviously gets it from me in the first instance. It may be ironic, but I do not know that there is anything wrong with the fact that auto insurance companies get my premiums and then go and argue for a premium rate. I am not sure where they are supposed to get the money from if they cannot use my premiums.

**Mr. Farnan:** If I hear you rightly, and I agree with you, should they then not pay for consumer representation, perhaps dollar for dollar? If the insurance board or the insurance associations are going to put forward \$1 million to argue their case, should there not be a role for the government to say—

**Hon. Mr. Wrye:** Who is to set those levels and decide how much I can spend, and audit how much I, as a private-sector company, spend in

making my arguments to the board? I understand we have some broad philosophical differences here, but I just reflect for you the fact that there are places other than Ontario or any jurisdiction that any company can be. I do not think we want to be so negative towards their interests that they will say, "Who really needs this very distasteful exercise?" in terms of saying, "Now prove to us that you spent \$600,000 and give to the other side."

I hear what you are saying. You may want to make that point to my colleague. It is something governments have looked at over the years. I can remember the days when funding began to flow to workers' groups, as it used to flow to other organizations within the Workers' Compensation Board.

But before we leave this area, I do want to put on the record that I think one of the things that has been missed out of this whole debate—I say this as consumer minister—is the way we have opened this whole process. I think you as a consumer critic would want to agree with me that there is no jurisdiction in Canada other than this one in which the process of setting rates has been so open. You did not know in your heart of hearts, nor did I, that something in the range, I think, of 80 to 82 cents on the premium dollar was being used to pay out claims until those facts began to be delineated by the board.

I understand those are industry's facts, but at the same time we have started down the road, we have begun to develop our own independent expertise in-house to delineate facts farther down the road. To that extent, we are far ahead of provinces that have private sector insurance such as Nova Scotia, and we are far ahead of provinces with public sector auto insurance such as Manitoba. This board has taken us the first steps down the road to a very public rate-setting process, far ahead of any other jurisdiction. I think that is a matter that really needs to be on the record as being something very positive for consumers.

**Mr. Farnan:** Nobody would argue with you when you say—

**Hon. Mr. Wrye:** I know. You just do not want to acknowledge it. I know nobody would argue with that.

**Mr. Farnan:** Nobody would argue that there is a more open process. Indeed, New Democrats have fought like hell in order that the figures be opened up. We looked upon this as a window on the industry. The only problem, we feel, is that the people looking through the window are the government and the insurance industry.

1730

I come back to the point we were just discussing. How can you suggest that having put all the figures on the table—let's even go back a little bit further—in the collation and preparation of the data, how can consumers, who do not have the funding source to put together their basic data and interpretation, compete with the insurance companies, which are basically taxing every motorist in the province and using the premiums to develop a database and an argument base from which to increase the premiums?

If you said to me, Minister, that this government was prepared to fund consumer groups to the extent the insurance industry is funding its side of the argument, I would say we might have a good ballpark here. But if you are saying that consumers are not represented significantly on the board, as they are not, and consumers do not have the funding base to present the arguments, then you are talking about an unfair matchup. You are talking about the heavyweight champion of the world fighting an amateur boxer who has a fight once every few months. It is no contest, and indeed, the results of the initial round of this process are true. We saw some information put forward on the table, but you know, the public is extraordinarily sceptical.

We have Mercer, which is related to the insurance industry, bringing forward figures. We have different insurance industries bringing forward figures. In fact, to be honest with you, the view of the public is that it was suckered: They were told they would get a 40 per cent increase. They got only a 16 per cent increase. Added to the nine per cent, it is 25. So really, they should be happy and dancing in the streets.

Interjections.

**Mr. Farnan:** Let's stay with the philosophic argument.

**Hon. Mr. Wrye:** If it is 25, then over 23 or 35 months, it will be seven per cent higher than Manitoba's public firm was for 12 months. I mean, we can toss numbers around.

**Mr. Farnan:** Absolutely, and you have more resources to toss them around.

**Hon. Mr. Wrye:** I always want to have a debate back in Windsor with my New Democratic Party friends about why, when we talk about Manitoba's public auto insurance rate levels, we never want to talk about Nova Scotia's private insurance rate levels. You know why and I know why. It is because when you talk about Manitoba and Ontario, it is like talking about



Toronto and Timmins. It is apples and oranges. It is not the real world.

I am just a country boy, born in Regina, Saskatchewan. In parts of Saskatchewan, you can drive those country roads looking for a car, let alone a tree, to run into. You certainly do not do that in Scarborough.

**Mr. Farnan:** There are more accidents per 100 cars in Saskatchewan than there are in Toronto.

**Hon. Mr. Wrye:** There are more cars per population in Toronto than anywhere in North America too.

**Mr. Farnan:** Yes, but the reality is that there are more accidents per 100 cars. To suggest that fewer cars mean fewer accidents is wrong; in fact, the opposite is true. I think we could argue the details of this.

**Hon. Mr. Wrye:** We could have a good debate when the Minister of Financial Institutions (Mr. Elston) has his estimates. I am sure we will.

**Mr. Farnan:** I want to stay with you on the issue of advocacy funding. It is absolutely unacceptable in my view to suggest you have a fair system in place when you do not have the funding given to consumers to protect themselves.

I would have to say the insurance industry has to feel very happy with the government, because it is not playing on a level playing field, as it is called. It is playing downhill and that is a lot easier; the consumers are playing an uphill battle, basically because they do not have the funds.

In effect, your government has structured an insurance process that in your own words favours the insurance industry, because you are on record already as saying that in your general view consumers do not have the same funds to compete with the utilities and with the insurance companies.

**Hon. Mr. Wrye:** They do not have that, but I am not sure that whether one has exact dollars is important.

**Mr. Farnan:** It sure helps.

**Hon. Mr. Wrye:** I note that in this, as in other areas, the debate and discussions will continue as to what flaws emerge in this program or others, and the minister will make whatever determinations he might. I come back again to the point that we have a much more open and consultative process than anything I have seen in any other province with public or private auto insurance.

I can only remember that the only thing that rolled the insurance rates back in Manitoba was

the threat of defeat of a government that bore the name of the party you support, and you can remember that there was no consumer advocacy up to then.

**Mr. Farnan:** Absolutely. I have to congratulate you, Minister. You handled the increase much better in Ontario than did the New Democrats in Manitoba; no question.

**Hon. Mr. Wrye:** I know the chairman says we are going to do votes, so I will just touch on a number of other issues quickly. I know we are going to talk about housing for a few minutes.

On gasoline prices, I hear what you are saying. I am not sure that is true. I get a report every week from the Ministry of Energy, which monitors gasoline prices. What I will do, Mr. Chairman—I can share this with you and certainly with my critic, but my other colleagues here might want to see this—is write the Minister of Energy and ask if his people have done a review, and if not, could they do one on that general concern you have; that is, to see whether as one gets to Labour Day weekend, and we have all heard it, or July 1 weekend or Victoria Day weekend, prices suddenly move up and down.

I have tended to watch that over the years. As I said, I get these things in my reading package every week. I think the short answer is no. But I will write the Minister of Energy, under whose jurisdiction this is, and I will get back to you.

On prepaid services, I think we have had a fairly good discussion and debate in question period in the House. On prepaid services, I hear your views in terms of—

**Mr. Farnan:** Do you believe the people at Holiday Fitness are going to get their money back, Minister?

**Hon. Mr. Wrye:** I am not sure whether they will, but Holiday Fitness is prepaid services. I am not big on retroactive legislation. Most legislation is prospective.

In terms of the role we saw and what we created, we have limited—let me just quickly see if I can remember all we have done. In terms of preopening, we have limited initiation and membership fees. You cannot use them to get your club open. You have to be trusted.

**Mr. Farnan:** I have all that.

**Hon. Mr. Wrye:** Okay, you have all that. Now you want to establish a compensation fund. We looked at this carefully, as I told you in answer in the House. This is not a business like the travel business. We felt we could narrow the exposure of consumers sufficiently by the actions we took, rather than a compensation fund.



Now you would say, "Why not do both?" I will be very frank with you. I do not want to be an alarmist, but I think we have to be very concerned about this industry. You and I, neither of us, would do any good driving people out of business. This industry has taken fairly well what is the toughest hit in terms of consumer protection anywhere in North America, but it has caused some difficulties. Do not forget what we have taken away from them in terms of their use of funding.

It has not been without its difficulties. I know my friend the member for High Park-Swansea (Mr. Fleet) has been on my case on a number of clubs, as you have. Mr. Fleet has talked to me on a number of occasions, and asked me, I think, a couple of questions in the House. But we should be very aware that as we come forward with consumer protection laws, we not make them so intrusive and so overwhelming that we do one of two things: one, drive up the cost unrealistically—you were bemoaning that earlier this morning in the housing area, that you do not want to drive up costs; nor do I, so we are in agreement there—to pay for some program unnecessarily, or two, we actually have the effect of driving some companies out of business, and we could.

1740

We could drive some companies under because the impact, if you were to have a compensation fund, is going to be another dollar hit on those companies and they have to pass that on to somebody, or maybe they are open and their membership is closed, but they are fairly close to the edge and that is what drives it over.

We do not rule out the compensation fund for ever and ever, but I think you would agree with me that we have very much limited the exposure of consumers in this area. We have given a greater cooling-off period. We have given them an annual membership and you do not even have to pay the whole thing. Let's say it is a \$250 membership. You can ask for payment periods, which means that if I get payment periods four times a year, my exposure at any one time is limited to whatever part of that quarter is left. We are not talking about exposure of \$750 or \$1,000, which both you and I are rightly very concerned about. We are talking about much smaller numbers.

**Mr. Farnan:** It could be \$700—

**Hon. Mr. Wrye:** It could be. To the extent that the clubs that are in place are still there and you and I have paid our \$750 or \$1,000 for our lifetime memberships, to some extent the vulnerability you and I have is there. It will not change

under this legislation. I am not making it retroactive legislation. My vulnerability, having paid \$1,000 for a lifetime membership, is there on this day, February 23, 1989, and will be there till I give up my membership in that fitness club.

Because it is a lifetime membership, nobody is charging me an annual rate any longer. I have paid my money. I joined September 1, 30 days before the new act came into effect. You know and I know that whenever one changes legislation, some people are affected by the change just after it comes in. If we consider legislative reform to be positive, they are usually affected positively, but there are always a few last people who are caught by the world we sought to change.

**Mr. Farnan:** Are you going to address the matter of health?

**Hon. Mr. Wrye:** No. As I explained to you in my letter of November 20, if I can find the letter very quickly—

**Mr. Farnan:** You do not believe that is a consumer concern?

**Hon. Mr. Wrye:** No one is saying, and I certainly am not saying, that it is not a concern or is not something we—I am looking for the letter I wrote. My staff could be helpful because I cannot find it. It is not something that falls under my ministry. I certainly hear what you are saying, but it is not an area where I want to intrude significantly with new bureaucracy and a number of other new initiatives. If I could only find your letter, I would be much more helpful.

Let's go on while somebody tries to find that little letter, if I can deal with it.

On sales tax and lot levies, those are good questions that you want to put to the Treasurer or the Minister of Revenue (Mr. Grandmaitre) or a number of others. On the sales tax, and I note you slid by it very smoothly and very quickly, yes, there are tax credits that soften the blow and I am very glad you put that on the record. They were there and were designed quite directly.

We might have also put on the record that there is no tax on food. We might have put on the record that the Treasurer has increased the exemption, which the previous Tory government took away. That was much of what the Premier was saying in 1982; the \$4 exemption is back.

Also, while I do not like paying taxes any more than you or anyone else, the eight per cent is among the lowest in Canada. Certainly, to do one of the Treasurer's more candid routines, as Nixon says, "No one likes to do it, but it raises a significant amount of revenue." There are the kinds of demands that the public makes quite

properly on us, that you make every day in the House on us. We have within this explosive growth of Ontario unprecedented demand and we are trying to meet that demand. You would say quite properly in your role from the opposition benches that it is not quite good enough.

**Mr. Farnan:** We would also say—

**Hon. Mr. Wrye:** My colleagues, I hope, would not say that, or at least not publicly.

**Mr. Farnan:** I think we would say that if there is going to be taxation, it has got to be fair. Sales tax is a regressive form of taxation. We do not question that there must be taxation. We certainly believe that there is room for some changes to make the tax system fairer, but we believe basically that such types of taxation as the sales tax, the land speculation tax and the lot levy are regressive. There has to be taxation based on ability to pay.

**Hon. Mr. Wrye:** I would say that the Treasurer must balance a number of options every year as he brings forward his budget. Those are issues you may want to talk about in much more depth with him, but I support him. I think he is going a great job. If you read closely the third-quarter statement from the Treasurer, which he released last week, I think you will see the impact of the Nixon boom.

On the speculation tax, again it is Mr. Nixon's area, but we had a good discussion about it this morning. I was going to speak a little longer on it. You might be interested in knowing, and if you were in the House for Treasury estimates or wherever they are taking place—I believe they are on now—you may have heard this—

**Mr. Haggerty:** Finance and economic affairs.

**Hon. Mr. Wrye:** Okay; the standing committee on finance and economic affairs, says my friend Mr. Haggerty. I do not know whether you have seen it, but there is a recent report from ARA Consultants, done for the Ministry of Housing, called *Speculation: Perceptions and Analysis of House Prices in Metropolitan Toronto*.

**Mr. Farnan:** Yes.

**Hon. Mr. Wrye:** I want to put on the record the conclusion of it, just briefly read it into the record, if I might.

“With regard to the central questions regarding the role of speculation as a cause of recent house price increases, and as to the possible merits of a speculation tax therefore, the conclusions arising from all three aspects of this study are the following:

“1. No evidence or argument has been identified that would support a view that speculation is an important cause of the recent dramatic increase in housing purchase prices in the Metropolitan Toronto area.

“2. No rationale or base of support has been identified for the imposition of a speculation tax. Indeed, the evidence of the key informant interviews and focus groups suggests that such a tax would likely be perceived by virtually all categories of key participants in the situation—realtors, lenders, builders, developers, lawyers and property owners—as an unnecessary, disruptive and potentially damaging intervention.”

There were a couple of other facts which, after you raised this, I managed to scrounge very quickly over lunch. I would like to put them on the record. None of these came from my ministry. My friend spoke quite a bit about the previous spec tax, and I think it should be put on the record that the revenues from the previous tax, which was so successful in dampening down the market, never exceeded \$8 million in any one year.

The other issue that should be put on the record is about the suggestion regarding speculators. There are speculators out there. I am not here to say there is no speculation. I am not even too wild about it, I might say, on a personal basis. I am not terribly wild about it. A house is a home. But the profits from the sale of houses, other than principal residences—as my friend would want to have put on the record, and I know he forgot this morning—are subject to income tax. That in and of itself can chew up a very, very substantial amount of the so-called profit. We would not leave out there that this is all pure profit being made, much as neither he nor I might be terribly wild about the fact that people are involving themselves in—

**Mr. Fleet:** Might I have a supplementary at this point?

**Mr. Farnan:** The ARA study you mentioned—

**Mr. Chairman:** Before we interject too much, gentlemen, we have about 10 minutes left; I will call the vote in about six minutes.

Interjections.

**Mr. Farnan:** I would like to respond very briefly to the ARA study.

**Hon. Mr. Wrye:** We will do the Ontario New Home Warranty Program in the next estimates.

**Mr. Farnan:** Okay.

**Hon. Mr. Wrye:** I will start out with my response to this year.



1750

**Mr. Farnan:** The ARA Consultants study was done for the Ministry of Housing, which philosophically is already opposed to the imposition of a speculation tax. An article by Thomas Walkom in the *Globe and Mail* suggested that it missed the point, and in the end he felt that "a proper study on speculation would look at buying and selling over a longer period" and that "such a study might come to different conclusions about the effect of a speculation tax."

He also pointed out that as "the former Conservative government understood, a speculator may keep a property for years. That is why the Tories' tax was levied against those who held investment properties for less than 10 years. Even the ARA study found that, in almost 20 per cent of cases studied, purchasers flipped their properties within three years."

I think there is much to argue on the case. I think it would be a very blind man who would suggest that speculation is not fuelling the heat in the housing market. When you go in and listen in the barber store, the argument is: "If I had a down payment on a house now, I'd slap it down because they're selling like hot cakes. It would be sold before the subdivision opened."

We can protect young couples and people on fixed incomes. We can do it, but simply saying to the people out there, "You know a speculation tax doesn't work, so we are not going to do it"—I go back to the point I made this morning—there is a sense among the community that we are in a vested-interest situation. Our properties are spiralling in value and we are in a position to stop the spiral. A young couple can look at that and say, "Those 130 guys down there are going to benefit from this and they could actually put a lid on the price of housing."

**Hon. Mr. Wrye:** I do not know what kind of house you own, but I do not live in a community in which there has been a growth of demand. House prices in Windsor have been relatively flat, moving up basically with the rate of inflation. If somebody thinks I am sitting down here making decisions because my house prices are going up real fast and I am getting rich, I just want to put it on the record, and others may want to as well, and dissuade them of that. There was a Premier who liked to do business in the barber's chair. We do not necessarily take public policy decisions on that basis. But as a government, as a cabinet, hopefully a lot of the time we take decisions based not on what is politically expedient or popular but on what reality is.

We just have not had the proof. Much as there is a lot of talk about the impact of the land speculation tax, this ARA survey, as I understand it, intruded in my ministry to the extent that it used some of the figures and statistics from the land registry office. It just did not see the kind of impact—I am not keen on speculators; I am being honest—in driving up the housing prices that you are suggesting. There are a whole lot of other things that have changed and moved forward the housing prices in a community and in a region which is the highest-growing region in all of North America. That is the number one—

**Mr. Farnan:** I agree with you that there are—

**Mr. Fleet:** Can I squeeze in a supplementary at this point? Can I get a chance?

**Mr. Chairman:** Let Mr. Fleet ask a question at this point, please.

**Mr. Farnan:** If I can—

**Mr. Chairman:** I am recognizing Mr. Fleet.

**Mr. Farnan:** Okay.

**Mr. Fleet:** One of the concerns I had, and perhaps the minister should comment, was the comments made earlier by the official opposition critic, who cited certain examples of certain prices of properties sold over a period of a number of months. One of the things we did not hear was the kinds of things that also affect property values: clearing up work orders, doing renovations commonly. It is very common when there are short sales to have that happen, and it affects the value. Even zoning changes affect the value.

I guess the problem I have in understanding the comments that were made earlier is the notion that there would be a need to have this little panacea. If you pass this one little tax act, all of a sudden all the housing problems and all the pricing problems are going to be solved.

In reality, I think—and perhaps the minister can confirm if he agrees with this view—everybody who holds land is a speculator. Whether you are talking about one day or 20 years, everybody hopes it is going to go up in value; it does not always do it—it tends to do it—but really everybody is speculating. The problem with the tax that even the government of the day in the 1970s recognized was that when we put on that kind of tax, if it was going to have any effect, it tended to bludgeon everybody, and not just the ones they wanted to.

**Mr. Farnan:** I will—

**Mr. Fleet:** Perhaps the minister could confirm that viewpoint.



**Mr. Chairman:** I would like the minister to answer the question, please. I would like to call the vote.

**Hon. Mr. Wrye:** To be quick and nonprovocative, administration of any such tax is not impossible and never is. It would not be an impossibility, but it has some very considerable problems; I think they should be obvious. My friend has pointed out a number of the obvious problems with any administration. They found that out in 1974 and—

**Mr. Farnan:** Minister, I predict that before the next election, the Liberal government will introduce a speculation tax. The tragedy of it is that you will not do it now when it needs to be done, nor did you do it earlier when it needed to be done. It may just be expediency that will force the government to introduce a speculation tax to save your hide in the next election.

**Mr. Chairman:** Then we will all support it.

**Mr. Farnan:** No doubt you will.

**Mr. Chairman:** I am going to exercise my prerogative as chairman and indicate that I propose to call votes 901, 902, 903, 904, 905 and 906, all items in each case.

Before doing that, I would like to thank everybody for participating, particularly the minister, the deputy and the critic from the official opposition as well as the other committee members. I would particularly like to thank the officials from the ministry who have patiently sat through four hours-plus of discussion here without any input at all. That is often the sad part of estimates.

The other thing I would like to state for the record is the fact that I asked the clerk to confirm, and he did that for me, that in the absence of the third party all afternoon, they were aware and there was concurrence among the House leaders that we would call the vote at this time. If there are no further comments from the committee pertaining to calling the votes, I propose to do that now.

Votes 901 to 906, inclusive, agreed to.

**Mr. Chairman:** Shall the estimates of the Ministry of Consumer and Commercial Relations be reported to the House?

**Interjections:** Agreed.

The committee adjourned, at 5:57 p.m.

## CONTENTS

**Thursday, February 23, 1989**

### Estimates, Ministry of Consumer and Commercial Relations

**Opening statements:**

Hon. Mr. Wrye.....	G-487
Mr. Farnan .....	G-496

Recess.....	G-505
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Mr. Farnan .....	G-506
------------------	-------

Adjournment.....	G-530
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## STANDING COMMITTEE ON GENERAL GOVERNMENT

**Chairman:** Elliot, R. Walter (Halton North L)

**Vice-Chairman:** Faubert, Frank (Scarborough-Ellesmere L)

Bryden, Marion (Beaches-Woodbine NDP)

Callahan, Robert V. (Brampton South L)

Charlton, Brian A. (Hamilton Mountain NDP)

Cordiano, Joseph (Lawrence L)

Cureatz, Sam L. (Durham East PC)

Fleet, David (High Park-Swansea L)

McLean, Allan K. (Simcoe East PC)

Ruprecht, Tony (Parkdale L)

Sola, John (Mississauga East L)

**Substitutions:**

Farnan, Michael (Cambridge NDP) for Ms. Bryden

Farnan, Michael (Cambridge NDP) for Mr. Charlton

Runciman, Robert W. (Leeds-Grenville PC) for Mr. Cureatz

**Also taking part:**

Haggerty, Ray (Niagara South L)

Miller, Gordon I. (Norfolk L)

**Clerk:** Carrozza, Franco

**Witnesses:**

**From the Ministry of Consumer and Commercial Relations:**

Wrye, Hon. William, Minister of Consumer and Commercial Relations (Windsor-Sandwich L)

Gibbons, Valerie A., Deputy Minister











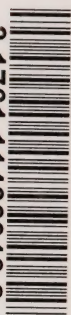






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